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REPORT
OF THE
COMMISSIONERS

**APPOINTED BY HIS EXCELLENCY THE GOVERNOR
GENERAL IN COUNCIL, OF DATE 4TH JULY,
1887, TO ENQUIRE INTO AND RE-
PORT UPON THE**

LOBSTER AND OYSTER FISHERIES

OF

CANADA.

(WITH APPENDICES.)

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REPORT

ON THE

LOBSTER FISHERY OF CANADA.

SHEIDIAC, N.B., 7th November, 1887.

To the Honorable G. E. FOSTER,
Minister of Marine and Fisheries.

SIR,—The Commissioners appointed by His Excellency the Governor General in Council, of date 4th July, 1887, namely, Messrs. Edward Hackett, of Tignish, Prince County, Province of Prince Edward Island, Chairman; Alfred Ogden, of Halifax, Province of Nova Scotia; W. B. Deacon, of Shediac, Fishery Overseer for the County of Westmoreland, Province of New Brunswick, and John Hunter Duvar, Inspector of Fisheries for the Province of Prince Edward Island, to enquire into and report upon the Lobster and Oyster Fisheries of the Atlantic Maritime Provinces of the Dominion of Canada, beg to report on the subject of the Lobster Fishery.

The Commissioners have taken pains to gather from all available sources in all the Provinces such information, direct and indirect, as had a bearing on the subject of their mission, and took down in writing the facts elicited by personally interviewing the more representative men. Part of the evidence thus contributed, was, of course, irrelevant or of little value. The mass of opinion has, therefore, been sifted and condensed in a "Précis of Evidence" as obtained in the four Provinces of the Atlantic seaboard, namely, the lower south coast of the Province of Quebec, including the Magdalen Islands; Nova Scotia, including Cape Breton; also the Provinces of New Brunswick and Prince Edward Island; all of which evidence has been transcribed and is herewith submitted in Appendices Nos. I, II, III, IV, V and VI and forwarded with this Report.

THE LOBSTER FISHERY.

The Commissioners are duly impressed with the magnitude of the subject confided to their enquiry. They are not ignorant that its immediate effect will be to involve the question of whether or not over two millions of dollars of returns from abroad shall, or shall not, flow into Canada for three or more years of the immediate future, dependent on whether, or not, the lobster packing factories in Canada shall be closed, or be allowed to continue fishing. Appended are tables of the lobster product—incomplete prior to the year 1873, from absence of blue books, and for the year 1887, because full statistics for this year are not yet made public,—from which may be gathered at a glance a fair idea of the rapid rise of the Canadian lobster packing industry.

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TABLE of the total product of Canadian Lobster Factories in each year.

In the year 1873 were packed in Canada 4,864,998 one pound cans.

1874	do	do	8,117,221	do
1875	do	do	6,514,380	do
1876	do	do	5,373,088	do
1877	do	do	8,090,569	do
1878	do	do	10,714,611	do
1879	do	do	10,244,329	do
1880	do	do	13,105,072	do
1881	do	do	17,490,523	do
1882	do	do	16,853,730	do
1883	do	do	13,364,020	do
1884	do	do	15,933,283	do
1885	do	do	17,303,038	do
1886	do	do	16,434,421	do

besides 8,662 tons exported alive.

The above table does not show the very largely increased number of men, boats and traps required to take the quantities specified.

Prince Edward Island shows about 2,000,000 1-lb. cans this year, 1887, against 3,616,780 in 1886. Over half the factories shut down by the middle of July for lack of lobsters.

DETAILS OF THE PACKING

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DEPARTMENT OF THE FISHERIES

	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.	1 lb. Cans.
—	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	
New Brunswick	1,387,700	2,180,504	1,752,046	1,416,387	1,988,974	2,759,711	4,013,939	4,734,331	
Nova Scotia	3,462,288	5,612,545	4,524,122	3,318,726	4,982,026	5,574,092	3,182,276	4,082,140	
Prince Edward Island	None reported.	69,264	151,248	362,878	663,900	1,649,800	2,272,825	3,551,060	
Quebec	15,000	254,908	115,964	245,325	455,693	731,008	775,289	737,981	
Totals	4,864,498	8,117,221	6,514,380	5,373,068	8,090,469	10,714,611	10,244,329	13,105,072	
—	1881.	1882.	1883.	1884.	1885.	1886.	1887.		
New Brunswick	5,421,060	5,916,575	4,042,954	5,662,072	5,236,252	4,681,812	2,630,559		
Nova Scotia	4,885,693	4,965,477	4,870,339	5,146,273	6,805,340	7,206,347	6,688,923		
Prince Edward Island	6,312,865	5,198,720	3,854,573	4,336,655	4,369,189	3,616,750	2,048,411		
Quebec	560,916	772,958	606,154	788,283	872,257	949,482	857,098		
Totals	17,480,523	16,853,730	13,364,020	15,933,283	17,303,038	16,434,421	12,324,991		

NOTE.—The Canning Statistics for the year 1887 were inserted by the Fisheries Department, in the proper column, after the Report of the Commission was received.

LIVE LOBSTER TRADE.

Besides the quantities of lobsters packed as set forth in the preceding tables, the following, exported fresh, are on record. From this it will be seen that the shipment of live lobsters has grown into huge dimensions and has become a serious drain on the fishery.

	1882.	1883.	1884.	1885.	1886.
Nova Scotia.....	1,938,000 lbs.			1,120,000 lbs.	2,493,960 lbs.
do values sold to smacks.....		\$9,928.00 {	1,752,000 lbs	325,000 "	1,718,000 "
New Brunswick.....	1,944,000 lbs.	1,850,000 lbs.	3,418,000 lbs.	\$21,426.00	\$31,811.00
				6,222,000 lbs.	8,580,000 lbs.

NOTE.—The home consumption and export of live Lobsters for 1887, as furnished by the Fisheries Department Statistics for that year, is as follows:—From Nova Scotia, 10,384,296 lbs.; from New Brunswick, 7,360,000 lbs.

With reference to paragraph No. 1 of Your Honor's communication to the Privy Council, of date 30th June, 1887, the Commissioners would state that the whole of the coasts of the Lower Provinces, including the Magdalen Islands and excepting the upper part of the Bay of Fundy, are one continued lobster-fishing ground. In places specially favored a greater abundance of lobsters are found, but they may be fished every where along the Canadian Atlantic, coming in from deeper water within forty-five* days of a given date in spring, according to season and locality, and their chief spawning time varies within about thirty days after the middle of July. It has come to the knowledge of the Commissioners that lobsters of good size are also found at Anticosti and on the coasts of Labrador, but the absence of harbors has prevented the fishery from being successfully prosecuted there.

The Commissioners agree with Your Honor that "the lobster fishing in the Lower Provinces is being prosecuted to an extent entirely beyond its natural production, and that if stringent measures be not adopted, either prohibiting for a term of years, or limiting the catch, this valuable fishery will, as has been the case from over-fishing on the coasts of Maine and Massachusetts, soon become extinct."

The following table shows the value of factories, plant, vessels and boats, used in the prosecution of the lobster fishery:—

	Value of Factories.	Value of Traps.	Steamships, Smacks, Boats and Punts.	Totals.
Nova Scotia.....	\$	\$	\$	\$
New Brunswick—	171,671	81,758	70,579	324,009
168 factories.....	147,950	132,603	8,000	288,553
189,256 traps.....				
1,000 boats.....				
Prince Edward Island—	130,000	100,000	7,500	237,500
132 factories.....				
969 boats.....				
125,000 traps.....				
Quebec and Gulf, factories and plant.....				92,285
Magdalen Islands, 18 do do.....				18,000
Total.....				960,347

*Commissioner Duvar inserts the word "thirty" instead of "forty-five."

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Showing a value for buildings of \$449,621, and \$314,361 for traps, as stated at first cost by the owners. These figures are misleading. Excepting a comparatively few first-class establishments, worth from \$3,000 to \$5,000 apiece with all modern appliances, lobster factories are inexpensive buildings, roughly erected on the beach with boards, furnished with no other appliances than a table or two and brick fireplace and flue and a metal boiler, and suitable for no other purpose, excepting, perhaps, as fish curing houses. If offered at auction, without an accompanying protected fishing area, none of them would fetch half the estimated cost. It is safe, therefore, to appraise the "value of lobster factories" in the Dominion at half the above figures, say \$225,000, instead of the estimate of \$449,621. When factory buildings are done with the boards are hauled away to build barns, so that the materials are not wholly wasted. Lobster dories, if no longer required for that fishery, could be made use of for hook and line fishing within a limited distance of the shore. In like manner the estimate of \$314,361 for lobster traps is too high. In the early days of lobster fishing a single trap fitted by hand cost 80 cents; the cost is now much less. Guessing the number of traps in use to be about 450,000, at 50 cents each, new, the estimate for traps should not be over \$225,000, with \$50,000 added for ropes and kedges. No accurate statement of the number of lobster factories is at hand, but from materials in possession it may be estimated as nearly as possible at 500 canning establishments, setting on an average 900 traps, with 2,000 boats, and employing afloat and ashore 5,000 hands, men and women, who make not exceeding, for the men, \$95 for the fishing season, and for the women an average equivalent to \$45 per season. It must not be forgotten that the steady employment of, say, 2,000 men, in the lobster factories for three months of the year much diminishes the cod fishery, in which they might otherwise be engaged.

The Commissioners made it a leading question to witnesses: what would become of the men now engaged in lobster fishing if all the lobster factories were to be closed for three years? A few witnesses averred that the men would go to the United States and seek employment in Gloucester or elsewhere. The other witnesses (who gave any opinion at all) thought the men would be absorbed in other Canadian industries, presumably the deep-sea fisheries.

Much of the evidence is worthy of perusal.

Leading questions were put to the gentlemen who offered evidence before the Commission, so as to obtain the main points of information, such as increase or decrease in the supply, hands, &c., &c., otherwise they were invited to make their own statements and freely express their views.

The following is an

ANALYSIS OF THE EVIDENCE.

Prince Edward Island.

Totals.		
	Number of written evidences.....	26
	Of which in favor of total closure for 3 years absolutely.....	12
\$	do do for 1 or 2 years absolutely.....	3
324,009	do do for 1 year conditionally.....	1
	do continuance of present fishing season with spawning month as a recess and September added as an equivalent.....	14
288,553	In favor of shortening fishing season to 2 months and closing finally on 15th July.....	4
237,500	In favor of lease, license or area.....	10
92,285	Opposed to lease, license or area.....	9
18,000	Expressed no opinion as to areas.....	7
	Expressed no opinion as to length of fishing.....	8
960,347	Expressed no opinion as to total closure.....	1
	Opposed to total closure.....	9

New Brunswick.

Number of written evidence.....	25
Of which were in favor of total closure for 3 years absolutely	16
do do of total closure for 1 year absolutely	1
do opposed to any total closure.....	4
do in favor of a system of lease, license, or area,	
<i>now</i>	12
do in favor of lease, license or area, <i>in the future</i> ..	1
do not in favor of fishing only on alternate years	1
Expressed no opinion on total closure.....	4
Expressed no opinion on areas.....	7
Of which were in favor of continuance of present fishing	
season with spawning month as a recess and September	
added as an equivalent	6
Shortening fishing season to two months and closing finally	
on 15th July	6
Opposed to a 2 months' season.....	6

The Two Gulf Provinces together, N.B. and P.E.I.

Evidences.....	51
Of which in favor of total closure for 3 years absolutely.....	28
do do of total closure for less than 3 years (say)..	4
Opposed to any total closure.....	13
In favor of a system of lease, license, or area.....	23
Opposed to lease, license, or area.....	13
In favor of fishing only on alternate years	1
In favor of continuance of present fishing season with July	
off and September added.....	10
In favor of 2 months' fishing to close 15th July.....	10
No opinion on closure (none); no opinion on areas (none); no	
opinion on short season; that is to say nothing definite	
(none).....	0

Nova Scotia including Cape Breton.

Evidences.....	26
Of which in favor of total closure for 3 years absolutely.....	3
do do of total closure for less than 3 years.....	3
do do of closure for 1 year conditionally (say)...	0
Opposed to any closure.....	10
In favor of a system of lease, license, or areas.....	3
Opposed to any system of lease, license or areas	10
In favor of continuance of present fishing season } No written	
with spawning month as a recess and Septem- } opinion but	
ber added as an equivalent	generally in
	favor.
In favor of shortening fishing season to two } None.	
months and closing finally on 15th July.....	
Opposed to shortening the season to two months (all)	All.
No opinion on total closure (all); no opinion on areas (most);	
no opinion on short season (most).....	0

*This is objected to by Commissioner Ogden (from his private memo.)

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Quebec.

In favor of total closure for 3 years (Gaspé).....	1
Not in favor of lease, license, or area (Gaspé).....	1

Magdalen Islands.

Opposed to any system of lease or area as not suitable to those islands.....	8
In favor of total closure for 3 years.....	1

SUMMARY OF ALL THE PROVINCES.

In favor of total closure for 3 years.....	33
Against total closure for 3 years.....	28
In favor of lease, license or area.....	38
Against lease, license, or area.....	28
In favor a short season to close 15th July (say).....	25
Against a short season to close 15th July (say).....	26

The points which have grown out of the evidence are:—

I. Whether or not the lobster factories in the whole of Canada shall be shut down for a term of three years, more or less, say 1889, 1890 and 1891, with a short season allowed for fishing in 1848, up to 15th July, the factories when reopened in 1892 to be limited to only two month's fishing in each year, and the legal dimensions of lobsters to be then 10½ inches in clear length?

II. If not agreed to for the whole of Canada, for what part of it, on the same terms?

Memo. In case of total closure, the fishermen to retain the privilege of supplying the local fresh fish markets with lobsters of not less than 10½ inches in clear length, but not to export nor can.

III. Or whether the present season and standard of 9 inches in clear length (or of 10½ inches) be retained as it is, and the present law be strictly enforced, which would necessitate a warden for every factory?

IV. Or whether the present length of fishing time should be allowed, with a recess of one month during spawning time, say July, with September added as an equivalent?

V. Or whether the fishing time should be shortened to six weeks, or two months, and be shut down finally before spawning time, say on 15th July.

VI. If one uniform short season to close on a given day be not adopted, say 15th July, then should there be sectional differences of close seasons? and what dates should these be?

Based on the evidence, the following has been suggested:—

That the lobster fishing waters of Canada be divided into three sections according to latitude and local peculiarities, viz.:—

1st. Following westwardly along the line of north latitude 45° 30' until it strikes the shores of Guysborough County, thence along coast on the west shore of the Straits of Canso, and following westwardly the line of the north coasts of Nova Scotia, New Brunswick and Quebec.

[This would cover Magdalen Islands, Cape Breton and Prince [Edward Island.]

2nd. From the point where latitude 45° 30' touches Guysborough County, along the Atlantic coast of Nova Scotia to Halifax.

3rd. From Halifax, southern and western Nova Scotia, and eastern coast of New Brunswick.

And what difference in dates for these sections?

VII. Whether protection to factory sites should be given by a system of lease, licence, or allotment of fishing areas.

VIII. Fishing only in intermittent years.

IX. A more efficient class of fishery officers.

X. Whether separate regulations are required for the Magdalen Islands, or whether those islands fall in with Gaspié, Quebec.

To which is appended the total prohibition of all lagoon lobster fishing.

The measures hitherto in force for the protection of the lobster fishery, are: 1. Prohibition of packing any lobster less than nine inches in length, measuring from head to tail, exclusive of claws or feelers. 2. Prohibition of taking any female lobster in spawn, or with eggs attached, or soft shelled. 3. A close season, varying in date twenty days in different localities, in which it is prohibited to fish or can lobsters, namely:—

Fishing season from the first day of April to the first day of August:

In Nova Scotia comprising parts of the Counties of Cumberland and Colchester, on the Bay of Fundy, and the Counties of Hants, King's, Annapolis, Digby, Yarmouth, Shelburne, Queen's, Lunenburg, Halifax, Guysborough, Richmond, Cape Breton and Victoria.

In New Brunswick comprising part of the county of Westmoreland, on the Bay of Fundy, and the Counties of Albert, St. John and Charlotte.

Fishing season from the twentieth day of April in each year to the twentieth day of August:

In Nova Scotia comprising the Counties of Inverness, Antigonish, Pictou and parts of Colchester and Cumberland on Northumberland Strait:

In New Brunswick comprising part of the County of Westmoreland and the counties of Kent, Northumberland, Gloucester and Restigouche.

In Prince Edward Island the whole Province.

In Quebec, the whole Province, including the Magdalen Islands.

It will thus be seen that for five months less ten days lobster fishing and packing is going on in some part of Canada, a period entirely too long, covering as it does the chief month of spawning and soft shell (middle of July to middle of August). During such "slack" time the quality of product is so bad that some high-class packers refuse to place their own labels on their cans, being ashamed to have their names appear in the market. The palpable remedy is to shorten the time of fishing and exclude the spawning month.

The Commissioners consider the minimum legal standard of lobsters should not be less than nine inches in length, measuring from head to tail exclusive of claws or feelers. At an appropriate time in the future it might be raised to $14\frac{1}{2}$ inches, that being the present American standard.

They recommend that section 19, sub-section 4, of the Fisheries Act be amended, making it applicable to fishermen, who are in reality the first offenders in regard to undersized lobsters and lobsters in ova, yet have no responsibility, but take the smallest lobster that comes to their traps and have a vile practice called "raking" by which the ova are brushed off and the spawning female is landed as an ordinary lobster. The clause of the Act would then read thus: s. 19, ss. 4, " * * * every proprietor, owner, agent, tenant, occupier, partner, or person actually in charge as occupant, or servant on shore or fishing at sea shall be deemed, &c."

Landing of any illegal lobster should be prohibited under penalty in like manner as has been recommended in the case of illegal oysters. At present the packers complain that the whole responsibility of size and ova rests on them and not on the fishermen.

Alleged average size of lobsters this year in Prince Edward Island 6 to $7\frac{1}{2}$ to fill a can.

In New Brunswick about the same or a little less.

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In Nova Scotia proper the alleged size varies, according to locality, from $3\frac{1}{2}$ (so stated), $4\frac{1}{2}$, $4\frac{3}{4}$ to 5; $5\frac{1}{2}$ to 6, 6 to 7 to fill a one pound can.

In the Counties of Yarmouth, Shelburne and Digby live lobsters, such as are exported, are said to be of an average size of $3\frac{1}{2}$ to a can.

On the north of Cape Breton the ascertained average is 5 to $5\frac{1}{2}$ to fill a one pound can and on the south of Cape Breton stated to be 3 to $3\frac{1}{2}$ to a can.

With reference to the market for Canadian canned lobsters comparatively few are absorbed for home consumption. Very much the greater bulk is exported, as may be ascertained by the Customs' returns (not now at hand). Chief markets, Great Britain, Germany, United States of America, with a few to other countries. A newspaper paragraph states that a remunerative market has lately been found at Chicago as a beginning of a trade to supply the great west. Mr. James E. Grant, of Charlotte-town, P.E.I., has recently made an experiment, the success of which is not yet ascertained, by sending preserved lobsters in bulk in the shell to London and hopes for success. On the authority of Mr. Isaac Mathers, of Halifax, N.S., an extensive shipper who handles the product of (say) thirty Nova Scotia factories and is most intelligent in all that pertains to the trade, it is stated that from over supply part of the product of 1883 is not yet disposed of. Further, it is stated that owing to the bad quality of goods, especially from one Province, many of the London green grocers refuse to have anything more to do with Canadian canned lobsters. A closure of the spawning month might have prevented such inferior shipments.

Artificial propagation of lobsters is not to be thought of. Although careful experiments in England have hatched out lobster ova the impossibility of providing enclosures large enough to supply the young, spider-like fry with a sufficient quantity of their microscopic food has rendered all attempts abortive for any practical purpose. Your Honor is referred to Report of a "Discussion on the artificial propagation of Lobsters" before the conference of the International Fisheries Exhibition in London, 1883.

The Commissioners are divided in their views as to the advisability of issuing leases or licenses, or allotment of areas which shall assign a measured fishing space for each factory. The members of Commission who are opposed to lease, license, or allotment, consider that the packers themselves, especially in Nova Scotia, do not call for such a measure, and that, while powerless to afford any protection to the fishery, it would be certain to provoke much opposition, jealousy and ill-feeling. Therefore they recommend that the measure be not granted.

The members of Commission who favor a system of lease, license, or allotment of fishing space for each factory consider that it would have a tendency to limit the number of factories and thereby prevent overfishing; and that it would be an act of justice to legitimate packers to protect them against the undue interference of adventurers whose only object is to get as many lobsters as they can without regard to the future of the fishery. They further consider the majority of packers along the Gulf shore, who have expressed their views in favor of the assignment of fishing areas, is sufficiently large to call for a general regulation to that effect in all Canadian waters. They would not however make the taking up of defined fishing areas compulsory, but leave it to be a voluntary recourse against undue interference with the fishing grounds. In other words, they would so amend the 17th section, sub-section 5, of the Fisheries Act, as to make it cover (if it does not now cover) "undue interference," by "the local fishery officer" settling "disputes between persons relative to position and use of fishing apparatus" so as to afford sufficient protected space for the legitimate fishing of a definite number of traps without having them cut off from the open sea or otherwise interfered with by interlopers. A trifling sum, of say \$5 and expenses to the fishery officer who lays off the ground, and an annual tax of say at the rate of \$10 per 1,000 traps ought not to be oppressive and would provide a fund from which to pay more wardens for the better enforcement of the law.

The information obtainable by the Commissioners as to "whether complaints of injury to salmon, herring and other fisheries by the present method of baiting and setting lobster traps are well founded" is rather scanty. Mr. T. H. Townsend, of

Halifax, N.S., who, we believe, has been in communication with the Department on the subject of fisheries, expressed his opinion that the fisheries of floating fish are so injured. In his view, lobsters as sea-scavengers keep the water clear of sea vermin, and when they become too few in number to keep the water pure, "clean water fish," such as herring and mackerel, abandon that portion of the coast. On the other hand, enquiry along coast and in the vicinity of salmon rivers, showed no general outcry as to injury done. While it might be supposed theoretically that the frequent hauling of lobster traps must disturb the sensitive and timid mackerel, and decaying bait must be obnoxious to "clean water fish," such as the clupeidae, scombridae, and salmonidae, there is so little proof of the complaint that the verdict must be "not proven."

See Mr. Townsend's evidence, Appendix No. III.

The following are the views and recommendations of the respective Commissioners:—

I.

COMMISSIONER HACKETT, HON. CHAIRMAN.

I. Closure of Factories for term of years.

After carefully considering the evidence offered before Commissioners on this point, and keeping in view the large interest to be affected by total closure of lobster factories in the Provinces visited (especially Nova Scotia), I am not prepared to recommend that factories be closed for a term of years.

II. Closure of Factories for part of Canada.

If total closure cannot be adopted for whole of Canada, would be decidedly opposed to it for part only.

III. Present season and standard size of lobsters.

Would have change made in season, but retain standard size of 9 inches.

Am of opinion that a properly paid officer might attend to more than one factory. The Department should see that the present law or any other substituted for it, be strictly enforced.

IV. Present season fishing with recess in July.

Am of opinion that the time allowed for fishing at present is entirely too long and in the interest of the fishery should be curtailed. If the same length of time for fishing were to be continued would recommend recess during spawning season, say month of July.

V. Whether fishing season should be shortened.

Would recommend that the fishing season be shortened to about two months in all Canadian waters. The fishing to be closed finally for the year before the spawning season, say from 1st to 15th July.

VI. Sectional differences.

Think there should be some allowance made for east side of Cape Breton Island, south side of Prince Edward Island, and part of north shores of New Brunswick and Nova Scotia.

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VII. Referring to the suggestion that the lobster fishing waters of Canada be divided into three sections according to latitude and local peculiarities as follows:—
Firstly. Following eastwardly along the line of north latitude $45^{\circ} 30'$ till it strikes the shore of Guysborough County, then along coast on the south shore of the Straits of Canso, and thence westwardly following the line of the north coasts of Nova Scotia, New Brunswick and Quebec,—which would cover Magdalen Islands, Cape Breton and Prince Edward Island.
Secondly. Along the Atlantic coast of Nova Scotia to Halifax.
Thirdly. From Halifax, southern and western Nova Scotia and eastern coast of New Brunswick.]
 Commissioner Hackett says:—

Division of Canadian Lobster Fishery Waters.

Firstly. Would object to boundaries as proposed for this division as interfering with changes suggested for places named in No. VI.
Secondly. Would make good division. Allow two months' fishing; close 1st July.
Thirdly. Same as No. 2.

VIII. Granting of Areas.

The majority of those offering evidence before Commissioners were opposed to the granting of areas as affording no protection to the fishery. Would therefore oppose any such proposition.

II.

Commissioner Ogden refrained from expressing his individual views.

III.

Commissioner Deacon expressed his views and recommendations as follows:—

I. As I am convinced that the very existence of the lobster fishery of Canada depends on some stringent protective measures, and entertaining the opinion that this fishery is of more importance to the country than the pecuniary interests of the present generation of canners and fishermen, I am in favor—

1. That the lobster factories throughout the whole of Canada shall be shut down for a period of five years, commencing in 1889 and ending 1893;

2. That they be allowed to run next year, 1888, up to July 15th;

3. And when the factories recommence, in 1894, the season shall consist of two months in each year;

4. And the legal size of the lobsters caught shall then be $10\frac{1}{2}$ full inches, measuring from head to tail, exclusive of claws or feelers;

5. For home consumption and local markets fishing may be allowed during the close years for two months;

6. The time in different localities to be hereafter arranged, but no lobster smaller than $10\frac{1}{2}$ inches to be killed, and none to be exported from Canada.

II. The above being my well considered opinion it is unnecessary to offer any view on retaining the present fishing season with strict enforcement of law, or on the present season with the recess of a month, or whether the fishing season should be limited to six weeks or two months.

III. With reference to dividing the lobster fishing waters of Canada into three sections, as mentioned on page 9 of this Report, I approve of the first proposition, namely:—Starting from Guysborough County in Nova Scotia, and running along the coast on the west side of the Straits of Canso, then following westwardly the line

of the north coasts of Nova Scotia, New Brunswick and Quebec—comprising Cape Breton, Antigonish, Pictou, the north side of Prince Edward Island, Kent, Northumberland, Gloucester, Restigouche, Bonaventure, Gaspé and Magdalen Islands; and I would at present suggest that in this section fishing commence 15th May, and end 15th July, subject however to further consideration in Committee.

2. I do not at present see any reason why the second section, as defined on page 17 of the Report, should consist of only two counties, Guysborough and Halifax, since the counties of Nova Scotia, west of Halifax, resemble those very closely in all the points that affect lobster fishing. I am therefore of opinion that the second section should be as follows:—From Guysborough County along the southern and western coast of Nova Scotia and the eastern coast of New Brunswick, comprising the Counties of Guysborough, Halifax, Lunenburg, Queen's, Shelburne, Yarmouth, Digby, Annapolis, King's, Hants, Colchester, Cumberland, Charlotte, St. John, and Albert, and in this section I would propose, subject to further consideration if thought necessary, that fishing commence 1st May and end 1st July.

As to the third section as set forth on page 17 of Report, the Counties of Westmoreland and the northern parts of Cumberland and Colchester and the south side of Prince Edward Island (in order to get two months' fishing without running into the spawning time), and would propose that fishing shall commence on the 25th July and end 25th September.

IV. Protection of fishing limits by putting them under license, or by leasing areas.

As I consider this a most vital point in the future protection of this fishery, I strongly urge the leasing of fishing areas wherever applied for, subject, of course, to the public interest, and after full consideration of all applications. If this is found to be impracticable, then I would, in the most stringent manner possible, urge that the necessary legislation be procured to render operative section 14, sub-section 1, and section 17, sub-section 5, of the re-enacted (1886) Fisheries Act, which the Department has decided do not now apply to the lobster fishery.

V. On examination of the evidence as presented in the secretary's analysis, which no doubt is correct, it shows that in New Brunswick, Prince Edward Island and Quebec there was a preponderance of opinion in favor of closing for a period, and leasing limits. In Nova Scotia the evidence is so conflicting and unreliable that I hold it is not worth considering. Every section, indeed almost every man wants his own ideas adopted, and the evidence presents little more than inordinate prejudice and a total disregard of the future.

IV.

Commissioner Hunter Duvar expressed his views and recommendations as follows:—

Firstly, because this is no question of food supply or food for the people, but mere restraint to be put on mercantile adventure, so as to secure to Canadians of the future their due share of the raw material of a luxury that ought to abound throughout all time in Canadian waters.

Secondly, because the lobster fishery, from overfishing, is progressing so rapidly towards extinction that no merely palliative measure will be sufficient to arrest the impending evil.

Thirdly, because under a wise and strong central government individual interests must give way to the public good.

And fourthly, because the public mind at the present time seems prepared for sweeping measure such as total closure, instead of half measures.

Therefore Commissioner Duvar would recommend:

I. That all lobster fishing and preserving in Canadian waters and all export therefrom, be prohibited for a term of three years, namely, the years 1889, 1890 and 1891.

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2. And that a short season for fishing from 15th May to 15th July be allowed in the year 1888, the legal size of lobster to be, as now, 9 inches in clear length.

3. And that when the factories reopen in 1892 the fishing season then and thereafter be from 15th May to 15th July only, in each year for all parts of Canada.

4. And that the legal standard of lobster be then and thereafter 10½ inches in clear length of body exclusive of claws or feelers.

5. And that lobster factories be put under license.

6. And that fishing grounds be officially laid off to such actual packers as may demand a definite allotment of fishing area (sec. 17, ss. 5, of Fisheries Act.)

7. The privilege of supplying the local fresh-fish markets, but not to export to market, nor to can or preserve, be reserved to the fishermen during closure of factories.

II. Should the Government deem total closure too heroic a measure, then Commissioner Duvar would favor one general fishing season for all parts of Canada, from 15th May to 15th July in each year, without sectional differences of date or any special privileges to sub-localities.

III. But, to No. II he would prefer that, for a given period, lobster fishing and canning be permitted only in alternate years, for a short fishing season as above stated of not more than two months, from 15th May to 15th July, all factories to close on the same day throughout Canada, namely 15th day of July in each year.

IV. Commissioner Duvar would not approve of retaining the present length of lobster fishing season with a month of recess, nor of any other measure that would give more than two months' lobster canning.

The Commissioners proceeded to vote on the various points of evidence, *seriatim*, set forth on page 9 *et sequitur*, of this report, with the following result:—

I. That the lobster packing factories in all Canadian waters be shut down for a term of three years, namely 1889, 1890 and 1891, with a short season allowed for fishing in 1888, up to 15th July, and no longer:

Dissenting—Hackett, Hon. Chairman.
do Ogden, N. S.

Agreed to proposal No. I.:

Commissioner Deacon, N. B., but who wishes five years.
do Duvar, P. E. I., three years.

2. And that the factories when reopened be limited to two months' fishing in each year and close on 15th July annually:

(Embraced in No. I., consequently Commissioners did not vote.)

3. And that the legal size of lobster be 9 inches in clear length in 1888, and 10½ inches thereafter:—

Mr. Chairman voted as to 10½ inches—No.	
Commr. Ogden	do No.
Commr. Deacon	do Yes.
Commr. Duvar	do Yes.

II. That if total closure be not adopted for the whole of Canada it be extended specified parts thereof:—

Mr. Chairman voted—No.	
Ogden	No.
Deacon	No.
Duvar	No.

2. In case of closure, fishermen to retain the privilege of supplying the local fresh fish markets, but not to export to market nor can.

Amendment proposed "that fishermen be privileged to supply the local fresh fish markets :—

Mr. Chairman	voted—Yes.
Ogden	Yes.
Deacon	Yes.
Duvar	Yes.

III. That the present fishing seasons and present legal standard of 9 inches be retained, and the law be strictly enforced :—

Mr. Chairman	voted—Yes.
Ogden	Yes.
Deacon	No.
Duvar	No.

2. That the legal standard of lobster be 10½ inches in clear length, exclusive of claws and feelers :—

Mr. Chairman	voted—No.
Ogden	No.
Deacon	Yes.
Duvar	Yes.

IV. That the present length of fishing time be allowed, with a recess of one month during spawning time, say July, with September added as an equivalent :—

Mr. Chairman	No.
Ogden	No.
Deacon	No.
Duvar	No.

V. That the fishing time be shortened to six weeks, and to shut down for the year before spawning time, say on 15th July :—

Mr. Chairman	No.
Ogden	No.
Deacon	No.
Duvar	No.

2. That the fishing time be shortened to two months, and to shut down for the year before spawning time, say on 15th July :—

Mr. Chairman	Yes.
Ogden	No.
Deacon	Yes.
Duvar	Yes.

VI. That if neither total closure nor general shutting down on 15th July, there be sectional dates of close season, and that those sectional dates be as recommended by Commissioner Deacon, as embodied in this report :—

Mr. Hackett	Yes.
Deacon	Yes.
Ogden	No.
Duvar	No.

VII. That a system of lease, license, or allotment of areas be introduced, securing to each factory that may demand it a surveyed fishing space according to the number of traps fished.

Mr. Deacon	Yes.
Duvar	Yes.
Hackett	No.
Ogden	No.

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2. That an annual license fee be paid to Government by all lobster factories in operation, of \$10 per 1,000 traps:—

Mr. Deacon	Yes.
Duvar	Yes.
Hackett	No.
Ogden	No.

Commissioner Duvar suggests \$35 per 1,000 traps.

VIII. That lobster fishing be permitted only in alternate years:—

Mr. Chairman	No.
Ogden	No.
Deacon	No.
Duvar	Yes.

IX. That a more efficient class of fishery officers be organized, details of such organization being left to the Department.

X. That separate regulations be adopted for the Magdalen Islands.

Moved by Mr. Ogden, and adopted, that paragraph No. IX be stricken out, by the vote of Mr. Chairman, yes, to strike out; Mr. Ogden, yes; Mr. Deacon, yes; Mr. Duvar, no.

No. X. The Commissioners were unanimous that no exceptional regulations should be accorded to the Magdalen Islands.

All of which, the above written report, is respectfully submitted.

Dated at Shediac, Province of New Brunswick, the seventh day of November, 1887.

EDWARD HACKETT, *Chairman*,
ALFRED OGDEN,
W. B. DEACON,
J. HUNTER DUVAR, *Secretary*.

MINORITY REPORT OF COMMISSIONER A. OGDEN.

To the Honorable GEO. E. FOSTER,
Minister of Marine and Fisheries.

HON. SIR,—As one of your Commissioners, appointed by the Governor General in Council, by an instruction bearing date 4th July, 1887, to enquire into and report upon the lobster and oyster fisheries of Canada, I beg to state that I have signed the general report of said Commission, taking exception to some parts of it, against which my vote will there be found recorded; but, so important do I consider the changes suggested by this report in some respects, and so dangerous to the future prosecution of these fisheries, and to the fair dealing that those who have invested so much capital in them should receive, that I am compelled to present the following statement for your most serious consideration. I do not differ in any great extent with our general report upon the value, tabulated statements forwarded thereto, extent, number of factories, hands employed, capital invested, &c., &c., in connection with the great lobster fishery of Canada, but in reference to the periodical migratory habits of this fish as mentioned in this report, I must take exception. I am convinced that lobsters can be taken at all seasons of the year in the Maritime Provinces, when the prosecution of this fishery is not prevented by ice nor the inclemency of the weather. The spawning time is from the 1st of July, continuing about six weeks, when, of course, no fish should be taken. In part proof of my statement, I might refer you to the evidence of Mr. G. H. Gardiner, Yarmouth, N.S., one of the best informed lobster shippers in the Lower Provinces, who says:—"Lobsters should not be taken after the 15th of July, but should be allowed to be captured for our live export trade as early as February." Mr. H. B. Cann, of the same place, agrees in every particular with Mr. Gardiner's statements. Mr. D. Hatfield, also of Yarmouth, states that for the export trade he would wish the close season to be only from the 1st of July to the 1st of November. These statements, by most reliable men, prove the assertion that lobsters may be taken at all seasons of the year in the Maritime Provinces. The importance of this trade in live lobsters being so great, and having grown to such a magnitude—according to the Fisheries Report of 1886 the value of the catch in Nova Scotia being \$153,034.40, and in New Brunswick, \$128,700—it is necessary that every possible encouragement and privilege, not injurious to these fisheries, should be given to those who are thus developing our valuable live lobster trade. From the evidence above, and from other similar evidences, and from my own experience in the lobster fishery for nearly thirty years on the coasts of Maine, Massachusetts, New Brunswick and Nova Scotia, I urgently recommend that the open season for the live lobster fishery extend from the 15th of February till the 10th of July. Dealers in live lobsters invariably ask to be allowed this early prosecution of the fishery, as in the winter time and early spring months these fish are much more valuable, bringing in the markets both at home and abroad from 6 cents to 10 cents per pound. The chief foreign market for live lobsters is Boston, and the laws of Massachusetts require that every one of these fish offered for sale must be at least 10½ inches in length. This provision, thus preventing the taking of small fish from our waters, and the fact that comparatively few are taken at so early a part of the season, prevent any material depletion of our lobster fisheries, if the open season is sanctioned between the dates I have mentioned above. After a very careful analysis of the evidence taken before your Commissioners in the different Provinces, the great weight of which most conclusively shows that the prosecution of the lobster fisheries should commence as early in the spring as the season may permit, and should close on or about the 10th of July. I am inclined to recommend that the taking of lobsters for canning purposes should commence about 1st April and extend to 10th July, and that during the whole year, with the exception of a part of the month of July and the full month of August, fishermen should be allowed to catch lobsters for local home consumption, but not for canning or export purposes. Among

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the packers and others interviewed, who do business on the shores of the Gulf of the St. Lawrence, I found some eighteen persons who were willing to close their factories for a time at least, some three years, some two, and some one, and there were twenty who opposed any closing whatever. On the Atlantic coast of Nova Scotia and Cape Breton twenty-eight prominent persons in the lobster business, similar in condition, and in the pursuit of this fishery, to those interviewed on the gulf shore, were examined, and but one was in favor of closing the factories for any time. The remaining twenty-seven were most profound in their expression of opinion that there should be no closing to the lobster fishery operation in that Province.

Taking into consideration this evidence and realizing the vast amount of capital now invested in the lobster fisheries of the Maritime Provinces, the large and expensive factories (especially in Nova Scotia) thousands of fishing traps and other fishing appliances, the large and extensive plant around these factories, all of which, by a closing even for a brief period, would greatly deteriorate in value and in many instances become perfectly worthless, and also considering the tens of thousands of men, women and children employed almost the year through, the greater portion of whom, if the factories closed would be thrown out of work near their own immediate homes, and many of whom, doubtless, would be compelled to go to the neighboring Republic for employment. I most strongly urge that these great hives of industry and means of profitable employment to many of our own people in the Maritime Provinces be not closed for any specified time or period beyond what is known as the "close season" in each year.

As to the matter of "lease, license or allotment of areas," I found by the parties interviewed on the Gulf of St. Lawrence that there were 13 for some system of leasing and 27 opposed to it. On the Atlantic Coast of Nova Scotia and Cape Breton Island, but one party was in favor of leasing the lobster fishing area and 27 were strongly against any such measure. Weighing the evidence carefully and considering how the fishermen, who have really inherited rights to our shore fisheries, would be unfairly treated by such a system and would in a short time be at the mercy of the packers, many of whom are citizens of foreign States, who having depleted their own fisheries now seek to do business in our waters, and who by this proposed "law of leases" would monopolize these "inherited rights" of the native fishermen. I cannot but recommend that no system of "lease, license or allotment of areas" be introduced into this country. To prevent much of the unnecessary destruction of this fish and the depletion of our fishing areas, I would respectfully recommend that the present law in regard to size, nine inches in length, be most rigidly enforced. The size specified in our Fishery Act I consider correct, though less than that on the American coast, as in many places we have a smaller run of lobsters. The main thing is to have the law most carefully carried out, this can be done with very little if any additional cost to the Government, and will close many so-called factories that have been continually packing undersized fish. I would also suggest that there would be no discrimination nor sectional differences as to the time of the closing of the lobster fishing in the Maritime Provinces. A sea board as extensive as is that of these Provinces along all parts of which the lobster fishery may be carried on, makes it more difficult to give regulations that will every season suit at the same time those engaged in this fishery, but I am of the opinion, that even considering the climatic and geographical differences that do exist, either on the Gulf of St. Lawrence shore or the Atlantic sea board, the fishing season should be the same for all, and taking one season with another, I do not believe that such a regulation would very materially affect the successful prosecution of this, one of the great sources of wealth to the people of the Maritime Provinces of the Dominion.

I have the honor to be,

Your obedient servant,

ALFRED OGDEN.

HALIFAX, N.S., 15th October, 1887.

REPORT

ON THE

OYSTER FISHERIES OF CANADA.

The Honorable G. E. FOSTER,
Minister of Marine and Fisheries.

SHEDIAK, N.B., 7th November, 1887.

SIR,—The Commissioners appointed by His Excellency the Governor General in Council, of date 4th July, 1887, namely, Mr. Edward Hackett of Tignish, Prince County, Province of Prince Edward Island, Honorary Chairman; Mr. Alfred Ogden, of Halifax, Nova Scotia; Mr. W. B. Deacon, of Shediac, in the Province of New Brunswick; and Mr. John Hunter Duvar, of Prince County, Province of Prince Edward Island, acting as Secretary, beg to report:

Said Commissioners were nominated to enquire into and report upon the lobster and oyster fisheries of the Atlantic Maritime Provinces of the Dominion of Canada and to offer recommendations for the preservation and development of these fisheries.

The lobster fishery of the Dominion is the subject of a separate report and is of this date laid before your Honor.

The Commissioners have personally visited the greater number of the oyster grounds in the four Provinces margining the Gulf of St. Lawrence, and have to express their view that the live oyster beds are of much larger extent than they anticipated, and, if judiciously supervised, must form a not unimportant item in the national resources of Canada.

The quality of the oysters on the natural live beds of the Lower Provinces varies much, owing to the nature of the bottom in oyster waters, the depth, and differing salinity of the water, the shelter, thermal difference, and other natural features that have a bearing on the case.

Along the greater part of the shore of the Gulf of St. Lawrence, east of Gaspé, are evidences that oysters once existed in immense quantities, as is shown by deposits of dead oyster shells, which in places are not less than twenty feet in depth. In some places (but not in all) these beds could be replanted or revived.

The decadence (death) of the oyster in these places is explainable by the encroachment of the sea on the shifting beaches, by the clearing away of forests, altering the shallow margins of the shores, and from other causes too obtruse for the Commissioners now to go into.

The Commissioners have however found that the natural live oyster beds of the Provinces of New Brunswick and Prince Edward Island, and perhaps of Cape Breton and elsewhere in Nova Scotia, are of large value as a fishing resource, and that there is much ground available in all the Atlantic Maritime Provinces for profitable private culture under a liberal system that would induce private persons to devote their care to the industry.

The oyster fishery is different from lobster and other fisheries in that it is prosecuted without expense. A boat worth \$10 and an oyster-tongs, costing \$1, are all the material required. So far as the Commissioners can learn there are no vessels specially built for the oyster trade. Large numbers of schooners move annually to the oyster beds and fish them with their own crews, but these vessels are a part of the ordinary coasting marine and cannot be taken into account as part of

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the oyster fishing plant. It may be mentioned that for want of a system of registration or license, no account can be obtained of the quantities taken by this fleet of one or two hundred sail. It is, however, evident that much greater quantities of oysters are taken than appear in the official returns. And it is not too much to say that half as many young oysters are destroyed by reckless fishing as appear in the Blue Book. Say a further 20,000 to 30,000 barrels recklessly destroyed annually without benefit to any one, and to the great detriment of the beds.

In the absence of any system of registration, the value of plant employed in the Canadian oyster fishery is a matter of mere calculation. Perhaps the following approximates as nearly as possible to accuracy:—

	P. M. I.—650 boats and tongs	Value.	Produce last year.
N. B.—	550 do	\$10,650	33,125 barrels
N. S.—	30 do	6,150	28,083 do
		330	1,397 do

Total.....

62,605 do

An outfit (total first value) of \$17,000 would cover the whole oyster fishery,—giving partial employment during three months to perhaps 1,500 men, who may be described as only "occasional fishermen."

The boats are not used solely for oyster fishing. They are the ordinary all-work boats that every farmer with a water-frontage possesses.

In addition to the floating plant, about sixty thousand barrels are annually required, but these are empty flour barrels at 12½ cents apiece.

It will thus be seen that the oyster fishery is carried on without capital.

There is no regulation of the fishery whatsoever, excepting a close season from 1st June to 15th September inclusive; and shore wardens without boats are utterly powerless to check poaching in the close season.—(See Appendix No. page

A series of charts of existing oyster beds and of probable oyster grounds would necessitate prolonged and expensive actual survey, and should be made under the care of a general superintendent of oyster culture.

The Commissioners, having carefully gone over the evidence, beg to make the following observations and recommendations:—

They would respectfully recommend to your Honor's consideration that one general law or regulation should cover the whole of the Canadian Atlantic seaboard, with the following provisions, namely:—

I. That existing oyster beds be reserved to the public, and that their limits be officially defined;

II. That mud-digging be prohibited within sixty yards of any officially recognised workable live oyster bed;

And that suitable portions of bays, creeks, estuaries or harbors be considered closed for oyster fishing, and said closed portions be laid off for the digging of shell manure;

III. That bays of considerable extent in which are many oyster beds be marked off in two or more divisions, and that the divisions be fished only in alternate years;

IV. That for the present, the present close season be retained, namely, from 1st June to 15th September in each year, both days inclusive;

V. That under penalty of forfeiture of boat and appurtenances no fisherman shall bring ashore (excepting for authorized purposes), any "round" oyster that does not measure fully two inches in diameter of shell, nor any long (oblong) oyster that does not measure fully three inches of outer shell, and that possession of such undersized oysters by any person shall be punished by fine;

VI. That all winter fishing be prohibited for oysters (Commissioner Ogden dissenting);

VII. Temporary or permanent proclamation to close localities where the supply is so nearly exhausted as to warrant closure.

VIII. That under section 21, sub-section 4 of the Fisheries Act a liberal induce-

may be offered under a system of leases to persons who will undertake under stringent regulations to grow oysters on private beds. That is to say,—that a lease be given (under bonds), for not more than nine years (renewable) at a nominal rent for the first three years, conditional on a sufficiency of brood oysters being planted on the area within one year after date of the issue of lease. The Government to have a lien on such planted beds;

IX. Easy and inexpensive arrangements, by which persons owning water-frontages may lease their own foreshores for oyster culture from the Government;

X. That Parliament be invited to appropriate a sum or sums for the formation of oyster beds in various waters and places found adapted for that purpose, and for transplanting oysters, and re-stocking exhausted fisheries by natural or artificial means—in accordance with section 21, sub-section 5, of the Fisheries Act;

XI. The appointment of a responsible officer of fisheries, capable of the position, and to rank with the Superintendent of Pisciculture, as General Superintendent of Oyster Fisheries, and to have general superintendence of all public and private oyster culture;

XII. A system of registration of oyster boats, with other details to be arranged by the Department.

With reference to clause XII Mr. Commissioner Ogden moved the insertion of the word "free" system of registration, &c.

Mr. Commissioner Deacon moved, seconded by Commissioner Duvar that the annual registration fee for oyster-fishing boats be one dollar—Carried. Mr. Ogden dissenting.

All of which above-written report is respectfully submitted.

Dated at Shediac, Province of New Brunswick the fifth day of November, A.D. 1887.

EDWARD HACKETT, Chairman,
ALFRED OGDEN,
W. B. DEACON,
J. HUNTER DUVAR, Secretary.

ADDITIONAL REMARKS ON THE OYSTER FISHERY.

The enormous extent to which the culture of oysters has been developed on the coasts of some of the Atlantic States of the United States as well as on the shores of France and Holland and in a lesser degree of England, indicates the oyster as a great industrial and national resource. Not every sea-bottom is suitable for oyster-culture. The Commissioners heard somewhat vague reports of unsuccessful attempts to plant oysters at Caraquet, N.B., Gaspé, Que., and elsewhere in New Brunswick and Quebec. To propagate oysters successfully requires bottom of a certain degree of hardness, free from mud or alkali or sea-vermin, not washed by strong tides nor exposed to being silted over by storms, and with several other minor requisites of detail. The degree, greater or less, of salinity in the water is of importance and can only be judged by an expert and be ascertained by scientific means. A water temperature of 65° to 70° at spawning time is also essential. Salinity and temperature vary in almost every bay and estuary, according to depth and bottom and inflow of streams. The size, shape and quality of the oysters themselves vary so much in different bottoms that fishmongers can tell on looking at an oyster in what waters it was found. All of which knowledge—as well as much other information—would require to be possessed by the superintendent of oyster culture.

Section 21, sub-section 4, of the Fisheries Act authorises the Minister to grant special licences and leases for any term of years to any person who wishes to plant or farm oyster beds. This gave the Minister unlimited power as to the length of lease. But in Section 4 of the same Act his power of granting leases for other

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fisheries is limited to nine years, excepting under the authority of the Governor in Council.

Any innovation—however beneficial, and especially if it touches fishermen—has to battle against prejudice. Much alarm is already expressed at the bare supposition that oyster beds may be leased, and already is rising the parrot-ery of "monopoly!"

Nor is this fear altogether without some faint shadow of excuse. The natural history of the oyster will explain it thus:—Natural, or sea, oyster beds are not stationary. They throw off "spat," like bees swarming, which "spat" forms other smaller or larger beds, at a greater or less distance around the circumference of the old bed. The fishermen fish out the old bed and then hunt for these new ones. It is obvious that if all the vacant water were taken up by private cultivators the fishing area of the public fishermen would be restricted. There is another, not now threatened but positive to occur in a few years—hence, namely, the market for oysters is subject to fluctuations, and the public fishermen know nothing of these fluctuations until they offer their oysters to the dealers for sale. The consequence is that at times there is a glut of supply and the shippers will not purchase at any price (therefore the oysters are spoiled) while at another time they are in demand at increased prices. Private cultivators,—having a sure "monopoly" for twenty years or other long term, and who would know where to lay their hand on oysters at half-an-hour's notice instead of hunting all over the bay for them,—would watch the market and supply the demand, thus cutting out the public fishermen. Private culture would thus compete at an advantage over public fishing.

A lease granted for so long a period as twenty years is virtually given away and practically represents a freehold. After the first four years it becomes a valuable piece of real estate to the fortunate possessor. For the first three years it is all outlay. In the fourth year the first fruits should pay interest on the outlay, but its value increases year by year. The value of the lease or license in the fifth year bears no comparison in value to what it should be in the ninth year, and the ninth year is but trifling in value in comparison with what it ought to be in the fifteenth or twentieth. Government to give a lease at a low or nominal rent for a longer period than nine years would be robbing itself.

Areas for oyster culture are certain, sooner or later, to become the objects of active speculation. For this reason they should be put under the strictest supervision to see that they are planted, *bond fide*, with the requisite quantity of brood fish, and otherwise attended to. This is a matter of importance, inasmuch as the areas fall back into the hands of the Government at the expiry of lease, either to be re-let or to be thrown open to public fishing.

To properly supervise oyster fishing throughout Canada demands a special class of fishery officers (with boats), distinct from the ordinary fishery wardens. Without boats they are nothing. This, however, is matter of detail. Whatever arrangement is made should be placed under one responsible head officer.

As regards the size of leased areas, it must wholly depend on locality, especially on tides. Four acres of productive oysters is a small fortune, and even one acre would afford a fair income, but a much larger space must be included within the lease, to leave free space for the fall, drifting and collection of spat. At the Yerseke leased oyster beds in Holland the leased plots range from 12 to about 150 acres, and the term of lease is fifteen years, at the end of which term, namely, in 1885, all the areas reverted to the Government, and were re-let at much enhanced prices. The term of fifteen years is too long for Canada, but the principle is the same. All of which shows that the superintendent under whose care the Canadian oyster fisheries shall be placed should be an expert.

Attention is directed to the address of Professor Hubrecht on "oyster fisheries in the Netherlands" delivered before the Conference of the International Fisheries Exhibition at London, 1883; and to the annual reports, for various years, of the Shell-fish Commissioners of the State of Connecticut, U.S., for information of the proceedings of the Commission as to oysters and surveys of areas for oyster fishing.

Also to Report of U. S. Fisheries Commissioners for 1876, pages 271 *et seq.* And Canadian Fisheries Blue Book for 1873, pages 197 *et seq.*

2.

The regulations for both public and private oyster beds in France are too tyrannical for this freer land of Canada, and the rules adopted in the Netherlands have too much Dutch stiffness for us more *habile* Canadians. Canadian regulations should rather be framed on the more practical methods in use in the oyster States of the United States.

In the State of Maine persons wishing to cultivate oysters on the banks of bays or creeks belonging to the State must first obtain a permit from the local authorities. The only exception is in favor of plantations situated in the interior of bays and gulfs. In no case must navigation be impeded.

In Massachusetts, on payment of fees, permits for *twenty* years to plant oysters in vacant waters may be obtained from the mayor and selectmen, of each maritime locality, but the national beds must be respected.

In Rhode Island (Providence River,) the Commissioners of shell-fisheries can grant vacant water for *five* years,—and the beds pay an annual tax to the State. In no case can more than *one acre* be assigned to any one person, and only *one acre* per head to members of a Company cannot be sublet. No definite term of lease.

In Connecticut a licensing committee nominated by the people grants licenses of vacant water for oyster culture. The extent of ground occupied by any one person must not exceed *two acres*. Committees specify the term for which such license may be held.

In the State of New York all land holders on the banks of Harlem River have the right to plant oysters on their foreshore. In Jamaica bay, L. I. the same, but no individual nor association can occupy more than *a quarter of a mile* of the foreshore.

In New Jersey, proprietors of tidal waters may use it for oyster culture.

In Delaware, any citizen of the State (but no foreigner) may enclose *one acre* for oyster culture, provided the public beds be not touched.

In Maryland the regulations are the same as in Delaware, namely, *one acre*. Owners of shore frontages have priority of choice.

No information as to Virginia.

3.

With reference to vacant waters and the likelihood of more or fewer natural oysters being found on areas allotted for private culture, thereby causing jealousy and irritation, the following note is appended to the United States Commissioners' report on natural oyster banks or beds. 1876, page 297. The same contingency is covered by section 21, sub-section 4, of the Canadian Fisheries' Act, which says: "And the holder of any such lease or license shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or license." The note says: "By a natural bank (or bed) we mean a conglomeration of mollusca presenting a character of continuity, constituting what is usually called an oyster-bed. The natural bank may be single or formed of several small banks, separated by greater or less spaces, but always sufficiently connected to be considered parts of one whole. As to places where, through accidental circumstances, isolated oysters have developed, they are not classed among the natural beds, since, if this were the case, the largest part of the submarine soil of the coast would be under interdiction and oyster culture would be impossible. However protective the American laws may be in what concerns public property, they are careful not to interfere with private enterprise by a too rigorous interpretation of the term 'public property.'"

4.

Since the Commissioners visited Baie du Vin, N.B., 60 and 70 vessels have been daily fishing and taking away large supplies from the already impoverished beds. The same depletion is going on at several other places.

5.

They are several lagoons and sheltered coves among the Magdalen Islands, where it is believed oysters could be grown successfully, and thereby in the course of a few years, afford a new industry to the rather shiftless and unenterprising population. Frequent shells of oysters are washed up near the Columbine Shoals, thus indicating that oysters have been, or are now, in that locality.

6.

During the past six or eight years several applications for lease of sea areas for oyster culture have been forwarded from Prince Edward Island to the Department, and are on file. The hydrographic system of the Province is peculiarly suited for oyster growing, the narrow Island being interlaced with tidal creeks and there being no spot of land more distant than eight miles from tidal salt water. Prince Edward Island has also more population to the square mile than any other part of the rural districts of Canada. Almost all the farms are laid off 5 chains and 10 chains in width, and whenever practicable the frontage faces on salt water. The tenure is freehold. This gives an enormous number of claimants who might have the right to take up leases under Section IX of the Commissioner's Report, and when the matter comes to be understood by the public it is probable that many applications will be received from Prince Edward Island.

7.

COST OF A PROTECTIVE SERVICE.

Although it is beyond the mission of the Commissioners to surmise what course the Government may deem it proper to adopt, the following is offered as an estimate of what a thoroughly efficient protective service for the Canadian oyster fisheries would cost annually:—

1 General Superintendent, salary.....	\$1,800
His expenses.....	400
1 Overseer.....	600
His expenses.....	300
1 Travelling overseer (as detective).....	400
His expenses, a like sum.....	400
Clerk.....	365
1 Surveyor, paid for his work, say.....	600
12 Oyster wardens, with boats, viz, 4 in Prince Edward Island; 6 in N w Brunswick, and 2 (without boats) in Nova Scotia, at \$150; Prince Edward Island and New Brunswick at \$250.....	2,800
Cost of 10 boats at \$35.....	350
Wages of boats' crews, 12 men at \$90 per season.....	1,080
Total, say.....	\$10,000

Against which as a set-off any license or registration fee, or oyster tax, or lease of private grounds.

8.

Statement of the catch of oysters in Canadian waters from the year 1870 to the present date, 31st October, 1887:—

Year.	Catch.
1870.....	Have no record.
1871.....	39,450
1872.....	Have no record.

1873	27,288
1874	14,318
1875	11,716
(An error here, P.E.I. being set down at 41 barrels.)	
1876	16,856
1877	29,576
1878	30,090
1879	28,632
1880	34,348
1881	31,498
1882	54,646
1883	50,540
1884	41,956
1885	57,132
1886	62,905

1887 (P.E.I. to date, 30,000 barrels or upwards.)

J. HUNTER DUVAR,

Secretary of Commission.

OTHER SHELL FISH.

In addition of the lobster (*Homarus Americanus*) and the oyster (*Ostrea Virginica*) var. *Canadiense*) the minor shell-fish of the Atlantic coast of Canada are: CRABS (*Cancer*) of more than one variety. ["Crustaceans,"—not "shell-fish" proper.]

MUSSEL (*Mytilus edulis*) and another with fluted shell.

SHRIMP (*Crangon boreas, vulgaris*?) ["Crustacean,"—not "shell-fish" proper.]

QUAHAUG, or SEA CLAM (*Spisula solidissima*) *Cyprina Islandica*, and *Venus mercenaria*, var. *violacea officinalis*, are also called Quahaug. The word "Quahaug" is therefore something indefinite. [Quere? *Holothuria plantaphus*?]

SAND CLAM, or HOG CLAM, or (*Mya arenaria*.)

LONG SHELL CLAM (*Solenis radiatus*.)

SCALLOP (*Pecten tenuicostatus*). (Mig. and Ad.)

RAZOR CLAM (*Solenis*, var. *Americanus*)

PERIWINKLE (*Littorina littorea*.)

SQUID (*Sepia Media*.)

Except where noted the above names are Linnæan, and the list has been kindly-verified by Dr. Honeyman of the Nova Scotia Provincial Museum, and by Mr. J. Matthew Jones, a distinguished naturalist of Halifax, and for many years president of the Nova Scotia Institute of Natural Science.

All the above shellfish are occasionally offered in small quantities in the Halifax, N. S., fishmarket, but none of them have hitherto been assumed to be of much economic value.

CRABS are found everywhere on the Canadian Atlantic, but are small in size as compared with those on the British coasts, being seldom more than five to six inches in length of body. One of the Commissioners has captured specimens as far up the Gulf as Gaspé. A naturalist of Halifax, N. S., expresses an opinion that what keeps crabs out of the market is the abundance of lobsters. In the absence of lobsters it is believed that a regular supply of crabs would meet a ready sale as a breakfast dish.

The value of the edible MUSSEL, both as an article of food and as bait, is little appreciated on this side of the Atlantic. In the British fresh fish markets mussels are habitually exposed for sale and fetch a price second only to oysters and cockles. The fishermen on the east coast of Scotland, where fishing is well understood, place their chief reliance on mussels as the best bait for their deep-sea set lines. Extensive beds are carefully cultivated both for bait and to sell as food. This is one of the resources that our fishermen ignore, but which might turn out to be valuable in intelligent hands. The variety used for food is *mytilus edulis*, in which sometimes

pearls are found. The variety with a striated shell are not eaten, although equally good for bait.

There are few breakfast tables in England on which SHRIMPS (*craxon vulgaris*) do not figure as an appetising dish. The capture of these small crustaceans gives large employment to the females and youth of the fishing classes all along the English coast, and the amount of ready money they realize must amount to a very considerable sum annually. Shrimps are taken by a person wading to the knees, or deeper, and pushing forward a wide-mouthed shallow scoop-net with very small meshes, the shrimp being slender and not more than two inches in length, but rich and delicate in taste when boiled. Shrimps are abundant all along the coasts of the Maritime Provinces of Canada, especially in sandy bays. Bathers must have felt them striking against their feet. They have been caught in quantity in Halifax Harbor by naturalists dredging for aquatic specimens; they are abundant on the shores of Prince Edward Island, and elsewhere along the Canadian Atlantic, their remains may be seen among the debris on the beach. Among the minor shellfish, fishing shrimps, and after being boiled, exposing them for sale in market would probably be the beginning of a considerable demand. Says a correspondent, "the breakfast table of the epicure could easily be furnished with these appetising morsels."

Quahaug (*maetra*). The maetra can be found from the beach of estuaries to a depth of twelve fathoms water at sea. Fine specimens are found at Margaret's Bay and along the west coast of Nova Scotia and elsewhere.

CLAMS are too well known to need description. Clam bakes are an institution of our Republican neighbors. When bait was permitted to be sold to American fishermen the Acadian French women along the north of Prince Edward Island made a little income by selling shelled clams for bait at 12 cents per quart. Clams are still a basis in the Acadian's soup.

SCALLOP. Hard and indigestible, but sometimes eaten. Might be had in moderate quantity.

Specimens of RAZOR-FISH, or RAZOR CLAM, offered at rare intervals in the fish-market of Halifax have found purchasers among epicures.

PERIWINKLES on the Canadian coast are generally too small to be an object of traffic.

SQUID are found, in varying plenty year after year, off the coasts of Cape Breton and the north of Prince Edward Island, and elsewhere in Canadian waters. Although furnishing the best bait for the deep-sea fisheries, their capture is not systematically pursued on the large scale it deserves, owing to the abundance of herring bait which is more easily come at.

J. HUNTER DUVAR,
Member and Secretary of Commission.

REPORT ON MINOR SHELL-FISH.

As years pass on there is no doubt that the fishery of the minor shellfish will grow into a business of some pecuniary value, and as it will be for local supply, fresh, and impossible to be carried on with a commercial view such as is the case with oysters and lobsters, the profits would remain with the fishermen themselves, and would add another item to their precarious receipts. Fishermen are proverbially slow to adopt any new features in their business, and it would be a fit task for a philanthropist to teach the fishermen that marketable resources are to be found along the beach, which could be gathered for market by women and children while the men are engaged in heavier labor on the sea. All that is wanted is the beginning of a market. The rest would follow. (See page 26.)

The Commissioners do not deem it necessary, at present, to make any suggestions for the regulation of the minor shell fisheries.

By order of Commissioners,
J. HUNTER DUVAR,
Secretary of Commission.

EVIDENCE.

APPENDIX No. 1.

PRINCE EDWARD ISLAND.

This twenty-first day of September, A.D. 1887, at Hernewood, Lot Six, County of Prince, Province of Prince Edward Island, appeared before me WILLIAM HENRY LOCHHEAD and made affidavit to keep secret the evidence given before the Government Commission appointed to enquire into and report upon the shell fisheries of this Dominion, and transcribed by him.

W. H. LOCHHEAD.

Sworn before me, time and place above mentioned.

J. HUNTER DUVAR,

J. P. for Prince County and Justice of the Peace for the Province of Prince Edward Island for all the requirements of the Fisheries Acts and the Regulations made under them.

PRECIS OF EVIDENCE

Offered before the Government Commissioners to enquire into and report upon the lobsters, oyster, and other shell fisheries of the Atlantic Maritime Provinces of the Dominion of Canada, the Commissioners being Edward Hackett, of Prince Edward Island (Chairman), Alfred Ogden, of Nova Scotia, W. B. Deacon, of New Brunswick, and John Hunter Duvar, of Prince Edward Island (Secretary). At Charlottetown, Prince Edward Island, on 13th July, 1887, present Commissioners Ogden, Deacon and Duvar.

GEORGE D. LONGWORTH, Esq., offered evidence. Mr. Longworth represents Longworth & Co., who are owners of seven factories, namely, West Point, South-West Point of Prince Edward Island, Smith's Point, north of West Point, Ramsay's Shore, east of West Cape Indian Point at Cape Egmont, and at Cove Head, Tracadie, north of Queen's County. This fishing season employs 28 boats actually working, and has about 25 boats laid up since last year. These fishermen cost each not less than \$20 a month, and the women about \$10 per month. Considers that we pay nearly \$5,500 per month, and have three pay days for such wages, making closely on \$16,000 to provide for wages. Mr. Longworth explained a memorial he had sent to the Government to the effect that he, with others, would rather open as now with a month of recess in July and fish until the 1st October, than continue the present dates. Would be willing to assent to a license system, and after one year's due notice to close, would not object to completely closing down for, say, one year, namely 1889, provided that legitimate packers be given protection of areas under section 17, sub-section 5, of the Revised Fisheries Act, re-enacted of date 1836. Mr. Longworth insisted on the necessity of having different fishing seasons on the south side of the Island as against the north, as petitioned for in his memorial. Although he would assent to wholly closing down in 1889, he wants 1888 a change of fishing

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time for the south of the Island on the terms set forth in the memorial he had forwarded to the Department.

Mr. JOHN MATHESON, lobster packer, Campbellton, Prince County, agreed in the main with Mr. Longworth, but his (Mr. M.'s) men could not do without the spring fishing of May and June; it would not answer to commence fishing only in July or 10th of August.

Mr. JAMES E. GRANT, lobster packer, Charlottetown, has this year in operation 3 factories, namely at Rustico, at Argyle Shore, and at Launcheon, being one in each county, employing a total of 120 hands, of whom 36 are inside; the total amount of labour expended on their factories this season will be about \$15,000 or equal to about \$120 per man. The supply of canned lobsters exceeds the demand so as to drive the prices down below the cost of production; if it were possible he would approve of continuing to let localities regulate themselves, also he would be in favor of fishing areas, each factory to have a shore frontage, which would thereby enhance the value of the plant and would also give the packers a hold on fishermen by threatening to shut down when the fishermen became unreasonable. With respect to closure for a term of years, does not think that it would be desirable,—five years is too long. Would favor as a legal size of lobsters 10½ inches if the fishing ground was leased, but 10½ is too large as matters now stand. Would like to fish all the year round and especially the fall fishery, but would be content with a fishing season of 4 months, whichever they like, say May, June, July, August.

Mr. WALTER MATHESON, Charlottetown, appeared before the Commission and stated that he is interested as supplier in twenty-five factories. He has heard the evidence of Mr. George Longworth and in the main agrees with him excepting a slight difference in the days of recess.

Both these witnesses having been interrogated stated that the capital now invested in the lobster canning industry would flow into other channels, and most probably into the deep-sea fisheries, but a loss to the present packers and for which they would like to have compensation.

Mr. W. F. TIDMARSH, Nine-Mile Creek, St. Peter's Island, employs \$1,000 labor. Does not favor total closure, but would commence fishing 15th May, close 1st July; re-open 1st August and close 20th September. With these dates the industry would protect itself. Favors the leasing system and would make priority of occupation the guide to leasing. Such law would protect both fish and fisherman. Thinks the above, namely recess in July and areas laid off, would be sufficient to protect; 5 pounds weight (not 5 lobsters) fill a one-pound can.

J. T. LANTZ, of Point Prim, Queen's County, appeared before the Commission and stated that he had held his present fishing site since 1878. When he first commenced, three to three and a-half lobsters would fill a can; to-day his supply of lobsters is such that he can fill a can with four lobsters, which he believes is better than any other part of the island. Mr. Lantz stated that he had last year nine boats, and this year only seven. He now employs about twenty-one men and eight women, whose wages amount to \$956 per month, and there being three pay days in the fishing season, it amounts to about \$3,000. An average outlay of about \$430 per boat, or \$140 per man. Mr. Lantz says that if any alteration of fishing season is to be enquired into, he would assent not to commence fishing until the first of August, and then to have the fall fishing, which would likely, in ordinary years, shut itself off about the 30th day of September or the 1st of October. He stated, for the private information of the Commission, the number of cases he had packed this season to date. Mr. Lantz further said that if the month of July was knocked off it would save the lives of many hundred thousand young lobsters. Commissioners having asked whether, in the event of areas and protection being given, he, Mr. Lantz, for himself and company, would agree to pay an annual license fee for a term of years, during a closure of three or more years, with the factories shut down for protective reasons, on which he stated that he would be willing to pay such annual license fee, but would consider \$20 per mile, for three miles shore frontage, too much. Being further interrogated, Mr. Lantz said that if the factories were shut down for

only one year, the packers could keep their gear together, but if for a longer period it would deteriorate. There is a difference in the date of lobsters spawning in different years, ranging as much as fifteen days; for instance, they are commencing to spawn now, (July), or as a latest date might not commence till 1st of August. Further, having stated that the generality of the lobsters taken at his factory are twelve inches in length, he could not object if the legal standard of size were raised to 10½ inches,

MR. JAMES STEWART, *Manager for the Point Prim Packing Co., Point Prim, Queen's County.* As the said Commission is taking evidence from those engaged in the lobster business, my opinion as regards the lobster season for the southern shore is to close in the month of July and allow us to take that month after the 20th of August. We, in my opinion, would be preserving the fish, and the fish would be in a better condition to pack, after the said date. We scarcely see any lobsters with spawn after the 1st of August, but in July there is more fish with spawn than any other month of the year, and the result is with careless packers that they are destroyed by the million. I would have no objection to close for one year, providing lines are established before, but as to closing for three years, all our plant would be useless. But if compensated for plant, &c., we would be willing. We have closed the first of this month all along this shore, and hope that we will be granted that time after the 20th August. We have only had about one month's fishing this season as yet on this shore.

MESSRS. McDONALD, by ARCH. McDONALD, Esq., of *Georgetown*, have now only one factory in operation at Launcheon, with 17 boats, employing 22 men and 15 girls, to whom are paid wages for the season amounting to \$2,856, or about \$130 per man. Mr. McDonald thinks the present remedy is to close the lobster fishery to about half the time, say for only six weeks, from opening of the season to somewhat later; thinks from 1st June to 15th July would do. Knows no other means of preservation of the fishery. The taking of lobsters close in shore should also be prohibited. Question: How about a leasing system? Does not think that such a system would have any suitable effect. Does not see it would make any difference in the way of protection,—it would be like the Scott Act. Question: If the penalty were made very heavy? Believes that would have no effect. Is quite satisfied that shortening the season to six weeks, say 1st June to 15th July, would be ample protection. If total closure is made it should be done for two or three years. The tendency now is to put up shanties and pack 100 or 200 cases. Messrs. McDonald Bros' factories were built for 2,000 to 3,000 traps, but do not set more than 1,000 traps.

HONORABLE SAMUEL PROWSE, *Murray Harbor, King's County.* In regard to the lobster fishing business, I may say that I am more than ever convinced that the closing of all factories in the Dominion for at least three years is the best and only means to protect the business and that this regulation should be put in force at once.

MR. S. S. FOREST, of *Georgetown*, of FORREST & SHEERAR, of *Halifax, N.S.*, and *P. E. I.*, has been eleven years in the lobster business in Prince Edward Island. Has still one factory in the Island employing 40 men and 20 women to whom \$6,000 in wages will be paid this season, besides other outlay, or equal to \$130 per man. Mr. Forrest would favor a total prohibition of lobster fishing of not less than three years. Last year the lobster had become so small that they escaped through the bars in the traps. In 1876 three lobsters filled a can, and last year 1886, it took exactly 7½ lobsters to fill a can. His view would be to wholly close up the lobster factories all along the Gulf, and afterwards to limit all lobster fishing to two months only. Thinks that would sufficiently protect the nine inches legal lobster. Nothing under 9 inch should be permitted; to raise the standard to 10½ inches would not do. There should be a warden to every factory. Disapproves of a leasing system; it would virtually give the packers a monopoly and he himself goes in for fair competition. In his opinion a leasing system would not work. If leases were granted, the tenure of lease should be forfeiture of the lease for offences; but he himself would never lease fishing grounds. No one date of closing or close season

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would suit all localities. He himself (Mr. Forrest) in 1879 had 3 factories, but on account of the scarcity of lobsters, had to make arrangements to concentrate his works by closing two of them. In 1875, he packed 4,000 cases with 1,800 traps, and this year on the same grounds, with 2,500 traps will pack 1,500 cases.

At Court House, *Souris*, the 15th July, 1887, at 2 o'clock p.m., members of the Commission met. Present: Messrs. Ogden, Deacon and Duvar. By public notice evidence was received. The Minister of Marine and Fisheries being in *Souris*, the Commission waited on him and paid their respects. Thereafter, were in session and received evidence offered by the following persons interested in the lobster fishery;

Mr. JOHN McLAIN, *Souris*, owns two factories, one at *Bayfield*, Lot 46, and one at *North Lake*, both in *King's County*. Commenced fishing in 1880; the two factories employ 58 men and 24 girls, to whom will be paid this season about \$7,000, or about \$105 per man. Last fish on 30th May, and this year began on 30th May, and closed on 6th July. In 1880 it took five lobsters to fill a can; it takes more now; the fish are bought at 50 cents per 100 lbs. Would agree to a total closure for say two years or at most three years, after being given a year's (1888) notice and permission to fish that year; and would assent to a lease system, but would not assent to a large license fee.

MESSRS. McDONALD, McDONALD & Co, of *Souris*, are owners of two lobster factories, one at Little Harbor, and the other at St. Colomb, eight miles north-west of East Point, both in *King's County*; each factory setting 1,500 traps, and together employing 25 men and 15 girls, to whom are paid \$4,300 in wages, or equal to \$105 per man. In 1880 it took 5 lobsters to fill a can, and now 6½ or 7. The lobsters spawn at these factories about 1st July to 30th, and commence to get soft after 20th July. About protection: would recommend the close season of three years, after giving notice to allow one more year's fishing in 1888, that is to say, to totally close during the years 1889, 1890 and 1891, and then re-open under regulations. Would not be of advantage to their own factories if beyond the period expressed. Would not consider leases of protective areas necessary in their own case. Lobsters have now become so scarce, that the business is not worth following up; the scarcity is caused by over-fishing. The 35 men employed in these factories would not be lost to Canada, if the factories were closed.

Mr. FREDERICK MORROW, of *Souris*, is owner of two factories, one at *Souris*, and one at *Black Bank*, both in *King's County*. Both factories are running this year, since 26th May, and *Black Bank* will run till 20th August. Commenced lobster packing in 1880. The two factories employ outside and inside 60 men and 22 women, to whom \$7,000 will be paid this season in wages, or equal to about \$120 per man. Mr. Morrow thinks the present regulations are all right for the north side of *Prince Edward Island*, but it would be better for the south side of *Prince Edward Island*, running from *Cape Bear* to *West Point*, to commence on 20th April, then shut down on 15th July, and re-open on 15th August, and fish until closed by the weather. May and June are the best fishing months. The first two years after commencing business, namely, in 1881-82, 4½ to 5 lobsters filled a can; now it takes 6½ to 7. Totally objects to a total closure for a term of years. Thinks leasing would not tend to protect the lobsters. Thinks he himself would not make any extra exertion to propagate the lobster if he had a lease. If the factories were shut down the fishermen would go away to other places. Other places mean the United States.

ALLAN M. McDONALD, *Fishery Warden, North Lake, King's County*, explained the state of the lobster fishery in his district, stating that it was completely overdone, and that the only means of preventing its total extirpation is either to shorten the season materially or to shut down say three years. There are five factories in witness' district, all of which had to close down about the middle of July for want of lobsters.

RONALD McDONALD, *Naufrage District, King's County*, has heard the testimony given by last witness, and agrees in his views as to the means of protection.

C. C. CARLTON & Co, *lobster packers, Souris*, commenced to pack lobsters at *Roll Bay* in 1874, with 600 traps, at which time 2½ or 3 lobsters would fill a one-pound can, but now it takes 6 or 7.

At Dominion Building, Summerside, the 21st July, 1887, present Mr. Hackett, Chairman, Messrs. Ogden, Deacon and Hunter Duvar; the latter Secretary.

DAVID ROGERS, Esq., of Summerside, offered evidence.

Is interested in two lobster factories at Egmont Bay, Prince County, employing 45 men at an average of \$30 per month per man; and 12 women at \$10 per month thus expending \$5,880 in wages alone, besides the other necessary supplies, bringing it up to \$6,000. His view is that different seasons should be for north and south of Prince Edward Island. On the north lobsters strike in early and on the south strike in later. For the south he would suggest that fishing might commence about 25th May; close down on the 1st July; re-open 1st August; and finally close on 20th September. This would suit his two factories, and in his opinion would suit the factories as far as Lot 15 Point. As regards the factories being closed for a term of years (say three) he is doubtful if it would have a permanent effect—might do to close for one year. Believes that the enforcement of the present law (after one year's notice) would do; and would allow it to work its own case. He would have no change in the present system. (In reply to Commissioner Deacon) Mr. Rogers said he did not suppose the Government had power to lease areas, and if they had such power, he did not think it would be a protection to his two factories and to the industry. (In reply to Commissioner Ogden) Mr. Rogers expressed his opinion that if the Government adopted the principle of giving areas it would be looked on with a hard feeling and cause trouble, as the people would say that it was taking away their rights.

Same place and date, before the same Commissioners, THOMAS H. ROBBLEE, Esq., of Summerside, Lobster Packer, and shipper, gave evidence.

Has been a shipper since 1880. Has six factories of which four were working this year, namely two at New London, and at Hardy's Channel, and one at Mimin-gash, all on the north of Prince Edward Island. Employs 80 men, at an average wages \$36 per month, and 40 women \$12 per month, bringing up wages to about \$5,000. Is still fishing, 20th July, and intends continuing until day of legal closing 20th August. It is necessary to keep on lobster fishing so as to retain the men for mackerel fishing. Totally disapproves of closing for a term of three years, or other term, it would hurt the packers and would not revive the lobsters. On the south side he would suggest commencing as usual on 20th April, close on 10th July, re-open 15th August and continue fishing as long as they can; he had seen some good fishing in the fall. He does not approve of assigning areas; it would destroy competition and the fishermen would object strongly and make a general nuisance. The fishermen are masters of the situation. If the present regulations remain in force, the industry will regulate itself. If the factories are shut down for a term of years the fishermen will go to the United States. There was formerly a cry that lobster fishing injured the mackerel, but the cry has died out.

At Summerside, the 21st day of July, 1887, before Mr. Hunter Duvar, Secretary, deputed by the other Commissioners to act in re for all in taking the evidence offered by ROBERT T. HOLMAN, Esq., of Summerside. Mr. Holman gave evidence: Has been interested in the lobster industry for some years, both as owner of factories and as supplier of others. He now owns eleven factories, of which six are on the south of the Island and five are on the north. Employs about 220 men, at an average wages of \$36.00 per month, and 90 women at \$20.00 per month; thus expending \$35,560.00 in labor, besides supplies. Is favorable to different seasons for north and south of Prince Edward Island. For the south it would be better to commence fishing as now on the 20th April; omit the month of July; recommence 1st August and continue fishing for the whole month of September, although it would be inconvenient as to taking up and resetting the traps in the recess in July. On the north he would retain the present season. Is not hostile to closing for a term of years in view that such closure would bring the lobsters up to the legal standard, that is to say, would not object provided sites of existing factories are protected during such closure. Closure for a term would not throw the fishermen now employed into idleness, but

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after a time they would subside into other branches of industry, presumably the deep sea fisheries. With reference to the assignment of fishing areas Mr. Holman expressed himself favorably, but would not approve of "licenses" even if such could be obtained. His view is that the position of traps should be laid off by the fishery authorities according to the number of traps fished. Considers the present fishery law (see 17, s. 5) is sufficient where disputes arise, but definitely thinks that amicable arrangements made by the packers themselves should not be disturbed, and, if necessary protected by the fishery officers. He would have this as an act of justice to prevent the insatiable few from disorganizing the whole system of fishing, under a pretence that the whole share is legitimately theirs without their having made any effort or investment in the industry. Therefore, wants protection for such arrangement as the employer and employed may equally share in and agree to. Thinks a tax, or fee, under whatever name, proportionate to the extent of operations would have a protection on the industry, and might be legitimately imposed according to the output. Areas for traps should be adjusted year by year.

R. T. HOLMAN.

MR. LAWRENCE DOYLE, *Fishery Warden, Miminigash, Prince County.* Is well acquainted with everything relating to the lobster fishery. Is convinced if something is not done the lobsters will soon be fished out. Is further convinced that the only remedy to prevent total extermination is to close the factories down for a term of years. There are five factories in his district, of which two were not working, and the others had to close respectively, 23rd June, 30th June, and 1st July, for want of lobsters.

JAS. H. MYRICK, under the firm of *J. H. Myrick & Co., Tignish, Prince County,* is extensively engaged in a general fishing business. Previous to this year was interested in six factories, but only runs one factory this year. Commenced packing in 1880, and then set about 4,000 traps; last year had 6,500 traps; employed last year 150 men and 75 women, men averaging about \$26 per month, and women \$14 per month, thus paying \$15,000 in wages. His factories run about 2½ months, this year ran with about one-third less hands. Last year we packed 4,500 cases, this year is fewer; in 1880 it took 4 lobsters to a can, and it now takes over 6. Believes the decrease in quantity and size is due to overfishing. Thinks in the interest of the fishery the season should be shortened to 6 weeks. Thinks the season should commence the 20th May, and end the 10th July. Does not approve of closing the factories for a term of years. Approves of allotting areas to each factory; thinks it would be in the interest of the fishery, as well as of the general public. Does not think allotting areas would tend to a monopoly of the fishery. Would be willing to give a reasonable rate per mile for fishing grounds that would suit his fishing. Does not think it really necessary that areas should be allotted, but thinks it is just to the packer that it should be done as well as in the interest of the fishery. In the event of closing down for a term of years, a number of the hands would seek employment in the United States. In the lobster industry many hands get employment in the winter getting out wood for factories, making traps, and knitting beads for traps, can-making, making boxes, &c.

Lobster fishing does not in any way interfere in the slightest with the mackerel fishery.

J. C. MCCARTHY, *Lobster-packer, Sea Cow Pond,* owns one factory, has been a lobster packer 7 years, employs 18 men, averaging \$21 wages, and 10 women at \$13, and operates two months, thus expending in labour \$1,000; has already packed this year to date, 375 cases, fishing 600 traps. Favours shortening the time of fishing to 6 weeks, from 20th May, also favours allotting areas to each factory.

Would recommend closing of all factories for 3 years, by giving one year's notice. The cause of lobsters falling off is from overfishing. Areas would not create a monopoly.

ALEXANDER F. LARKINS, *Lobster-packer, Frog Pond, Prince County,* has been engaged in the lobster business about ten years. Runs two factories; employs this

year 50 men, they average in wages per month \$17, and 16 women at \$11 per month, thus expending for wages about \$3,000. Last year packed 2,000 cases. Last year and this year had 3,500 traps; last year we ran the factories from 10th May to 15th August; this year, 1887, commenced the 18th May, and ended 24th June; closed thus early because prices of lobsters were low, and he wanted to go at the mackerel; lobsters average six to the can. Witness (Mr. Larkins) suggests the season for the future should be from the 10th May to 10th July, from the West Point around the north side of the island. Two months is long enough to fish on this island. Is opposed to closing down for any term of years. Does not think closing for three years would be of much benefit to the interest of lobsters. Lobster fishing is overdone. Disapproves of allotting areas; thinks it would be unjust, the present law should be enforced. Has closed down this fall on account of the lobsters being small, and found it paid better to fish mackerel. Lobster fishing does not interfere with mackerel fishing.

JAMES B. CLARK, *Lobster-packer, Miminigash, Prince County*, is one of the firm of Clark & Roulee, of Summerside, and interested in four factories this year. Has heard Mr. Larkin's statement and endorses that statement in full. Is decidedly opposed to granting areas, as it would create a monopoly. His firm merely run the lobster business to have the hands for mackerel fishing. There is no money in the lobster business; if lobster factories are closed for a term of years, half the hands would go to the States for employment.

MEDDIE GALLANT, *Lobster-packer, Miminigash, Prince County*. His factory is at Miminigash. Has been in the business three years, employs 16 men at an average wages of \$19 per month, and four girls at \$12, thus paying out over \$1,000 in wages. Last year ran his factory 2½ months, this year 1½ months. Last year packed 500 cases, this year only 150 cases. Lobsters are getting scarcer and smaller, it takes between 6 and 7 lobsters to fill a can. It does not pay to run a factory now. Last year he came out about square pecuniarily. Is opposed to allotting areas. Agrees with evidence, just heard, in other respects (Mr. Larkins and Mr. Clarke.) Was the first person to pack lobsters in Prince County. Has five factories and employs 100 men and 15 women, requiring \$11,000 in wages. Last year packed 3,000 cases; this year to date, only 1,700. When first began to pack, 2½ lobsters would fill a one-pound can, now it takes 7 fish. The only salvation for the fishery is to shut the factories down for a term of years, say three, conditional on fishing areas being granted that could be protected by law. The men now engaged in lobstering would go into other occupations, and the capital invested would be transferred into the deep-sea fisheries. By closing down the factories for three years, he means 1889, 1890 and 1891, with next year's fishing to work off stock.

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APPENDIX No. 2.

NEW BRUNSWICK.

The Commissioners having re-assembled at Shediac took carriage and visited the lobster factories between Shediac and Cape Tormentine, interviewing many persons along the route, among them Messrs. H. C. BAXTER, F. F. KIMBALL, CURTIS TRENHOLM, ROBERT TRENHOLM, PENMAN MCKAY, all of Cape Spear.

These gentlemen were unanimous in their views, namely, that the lobsters are getting smaller and less plentiful. They would like to commence at present opening dates and to close on the 10th July, re-open 10th August and close for good on the 20th September. On the subject of closing the factories for a term of years, and of allotting fishing areas, they expressed no opinion.

Thereafter the Commissioners returned to Shediac, and thence proceeded westward along the North Coast of New Brunswick by land and water.

The following communication was made in writing to the Commissioners under date of Cape Tormentine, N.B., 30th July, 1887.

In reply to your enquiry respecting the extent of our business on the Prince Edward Island and New Brunswick shores and our opinion of the present law for the preservation of the lobster fisheries, so far as it relates to the above shores, only, I reply as follows (from the Portland Packing Co.):—

PRINCE EDWARD ISLAND FACTORIES.

Location.	Capital Invested.	Value of Plant.	Hands Employed.	Packing (4 dozen cases).			
				1884.	1885.	1886.	Estimated 1887.
St. Peter's Island.....	\$ 6,000	\$ 2,000	50	2,500	2,500	2,000	1,700
Rice Point.....	4,000	1,000	30	1,500	1,500	1,200	750
Croft Cove.....	3,000	1,500	30	1,700	1,700	800	750
Rustico.....	1,000	500	20	800	800	500	200
Cape Wolfe.....	4,000	2,000	50	1,700	1,700	200	200
Totals.....	18,000	7,000	180	3,300	3,200	4,400	2,450

NEW BRUNSWICK FACTORIES.

Location.	Capital Invested.	Value of Plant.	Hands Employed.	Packing (4 dozen cases).			
				1884.	1885.	1886.	Estimated 1887.
Cape Tormentine.....	\$ 13,000	\$ 3,000	70	4,000	4,200	3,700	2,000
Cape Jernamain.....	5,000	1,500	35	1,700	1,700	1,000	1,000
Botsford.....	5,000	2,500	35	1,000	1,000	1,000	1,000
Murray Corner.....	2,000	1,000	25	1,000	1,000	1,000	1,000
Wegros.....	2,000	1,000	25	1,000	1,000	200	700
Totals.....	29,000	8,000	190	4,000	3,900	5,900	2,700

On the New Brunswick shore lobsters are usually scarce from the start in the spring until after they have shed, so that until about 10th July canning is generally unprofitable and unscrupulous packers destroy hundreds of thousands of spawn fish, as such fish are most abundant before it is time for them to cast their shells, and they feel that in order to hold their fishermen and keep their factories running, they must take everything that enters their traps. Often, before the month of July, more than half the lobsters in a daily catch are loaded with spawn. If it were unlawful to take the fish on this shore except from about 10th July until 30th September, very few female lobsters, with eggs attached, would be found, and the packers would be relieved of the temptation of taking them. But so long as the temptation exists it will need an inspector in constant attendance at each factory to enforce that part of the present law, and to enforce the law as it now reads would result in the closing of every lobster factory on the shores of New Brunswick and Prince Edward Island, and oblige all the packers on those shores to run without profit. The destruction of spawn lobsters is doing more than everything else to ruin the lobster fishing on these two Provinces. From 10th July to 30th September a set of traps would not catch more lobsters than the number of traps would take during the present lawful fishing season; lobsters would be larger and more abundant, so that the fishermen would have larger daily catches, and, though the fishing season would have been shortened several weeks, the profit to both fishermen and packers would ultimately be greater. The taking up of traps in midsummer and resetting them later in the season would be impracticable—in some places almost impossible—and the labor involved would more than offset the profit. On the island shores lobsters are quite plentiful at the start, generally, very scarce in midsummer, then abundant during the latter part of July and through August and September. Spawn fish are quite as plentiful there during the first of the season as on the New Brunswick shores, and a law like that suggested for the latter coast would afford the fish better protection than that now in force. A close time for a series of years would prove disastrous to many who have no other means of support than fishing or canning, and to make any law which would take a great quantity of canned lobsters from the market, would tend to lessen the demand for that article, which, in a short time, would be replaced by some other canned fish, as salmon or mackerel; and at the end of such a close season it would be difficult to find a market for canned lobsters. Naturally, when such a close time expired all the old packers and many new ones would make extensive preparations for a large pack, for most of the packers on the shores above referred to do not pack on a large scale, and have had no experience. With respect to the effect of the withdrawal of a certain line of goods from market, not only would they suffer an immediate loss in consequence of an overstocked market, but over-fishing for a short time would make the fish as scarce as before such an extended close season.

A system of licensing the fishing grounds for a term of years, with the penalty of forfeiture of license of a violation of its conditions, would afford the best protection. If such a system could be established, such a license should limit the number of traps fished per mile, and it should be unlawful, as it now is, to take undersized and spawn lobsters. Under a license system it would be for the interest of packers to protect the industry, and if they felt that their fishing grounds were not to be molested, i. e., that they were to enjoy the sole privilege of fishing them, they would adhere to the terms of the licenses. At present the factories are so monstrous, and the grounds so overfished, that all are trying to see who will get the most fish before they are entirely destroyed. I do not believe that other fish are disturbed or kept off shore by the presence of lobster traps.

The Commissioner visited the lobster factory of "The Dominion Packing Company of Buctouche," and interviewed Mr. Murray, manager and partner in the Company. This factory is one of the most perfectly appointed that the Commission have yet seen. Mr. Murray began his statement by saying that he himself would be in favor of shutting up for three years. Lobsters are about the same run in number, but gradually becoming smaller. When 12 years ago he began being interested in

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the lobster industry it took 3 and $3\frac{1}{2}$ lobsters to make a one-pound can, but now it takes 8. Employs 25 men and 25 women.—men's wages say \$30 per month per man and board themselves, women \$8 per month, thus expending \$2,850 in wages. Produced 1,100 cases last year. Mr. Murray is decidedly in favor of allotting areas so as not to be trespassed upon; would pay a fair price for the privilege of an area. Plant of place is worth \$4,500. He admits that the ground has been over-fished. The show of lobsters then on the table was not more than four or five bushels, almost all undersized. With reference to season would have it from the time the ice leaves; then shut off on 15th July and resume 15th August and fish as long as might be. Has thought of going into mackerolling, pickled.

G. CORMIER, *Fishery Overseer, Gloucester County*. Mr. Cormier finds the lobsters in his district very small, it taking $6\frac{1}{2}$ to 7 lobsters to fill a can. He thinks the factories should be shut down for 3 or 4 years. From his own observation and experience he would favor protection of fishing by license, so many traps to the mile. Two new factories in his district had to stop this summer for want of lobsters.

Thursday, 28th July. Commissioners proceeded west along coast by carriage. Hackett, Deacon, Ogdon, Duvor visited factories. At SIMON BOURGEOIS' factory, found 9 men comparatively idle and 12 women coming from dinner.—the most respectable lobster women we have seen. Mr. Arsenault, the foreman, stated that 28 men and 12 women were under wages, but were doing little or nothing. Their factory sets 1,500 traps. Mr. Arsenault has observed berried lobsters in May, and there are some (a few) now. Fewer in berry have been noticed this year. He farther said that if lobstering were closed the men would go elsewhere where they could make wages, mostly back to the farms they came from. Some would go to the United States—perhaps one man in three.

On arrival at Buctouche saw Mr. SIMON BOURGEOIS. He pays his 28 men an average of \$32 per month, and board of about \$6.50, i.e., \$30 per month per man and calls it \$15 per woman per month and find themselves. There is 3 to $3\frac{1}{2}$ months employment for both men and women. Last year witness put up 1,200 cases, this year guesses 1,000 cases, but may make it up to 1,200, same as last year. It averages 7 to 8 lobsters to fill a can all the time from spring to fall.

29th July, 1887. LORANG SAWYER, who formerly owned a lobster factory on this shore, stated that the lobsters are pretty well run out. Only way to preserve them is to shut up for two or three years. Best way would be to give a lease—a lease of a fair area—and let just so many people fish thereon. Would consider Government should give such lease for nothing, without any price at all. Witness stated (with a manner seemingly truthful) that he had marked lobsters and found that they travelled at the rate of about seven miles in a day and a night.

At Buctouche, 29th July, 1887. Present: The Commission.

Mr. BEVERLY SMITH at Buctouche, has been in the lobster business five years; owns one factory; employs 13 men and 18 women, at wages averaging for men, \$28 per month, and for women, \$15 per month; total labor, \$1,900. This year expects to put up 800 cases with 1,000 traps; last year put up 600 cases with 600 traps, which is good work. Lobsters are gradually growing smaller, but not decreasing in number. It now takes 6 lobsters to fill a 1-pound can; last year it took $5\frac{1}{2}$. Thinks there should be a close season, with one month's recess in summer, say July, about 1st July till 1st August (but seasons vary); and then resume fishing till the end of September. Is definitely in favor of lobster fishing area being allotted; would decidedly have areas laid off, as was formerly done by overseer, say a stretch of four or five miles. If a man knows that he has his own ground, it would be an object to preserve it; packers would have as much interest as the Government in protecting it, and it would prevent three or four unlicensed packing sheds from trespassing on him. There are seven factories along Buctouche shore, within six miles; would assign areas from priority of occupation; thinks he would give \$10 per mile license for the fishing ground he now occupies, and \$5 per mile lower down. There is no money in the business now, and if it goes on as it is now doing, the fishing will soon be exterminated. Three years would be enough to shut down for preservation

of the lobster. Witness would accede to the closure, but not willingly. Would not even want a year's notice to close. If the lobster factories were closed, the 13 men he employed would go back to their farms, or be absorbed in other branches of Canadian industry. Value of plant of his factory, \$1,500. His traps are set $2\frac{1}{2}$ to 6 miles off the land in 7 fathoms of water. Has not hitherto gone into mackerolling, but intends to do so, that is to say, to put mackerel fresh on ice for the American market.

On the 29th July, 1887, LAZARE GUIMOND gave evidence. Runs a factory on North Beach and now employs twenty-three hands, has formerly employed thirty. Buys his lobsters by tale, 40 cents per hundred. Men's wages would average \$28 per month, and women \$13 and find themselves. Formerly $5\frac{1}{2}$ lobsters filled a one-pound can, now it takes seven. Admitted that nearly one-fourth of the present catch are under the legal size of nine inches. There are noticeably few in spawn this year. He has been fishing for eight seasons; remembers when three to three and a-half lobsters filled a can; attributes present condition of the fishery to overfishing. Thinks the best way to revive the fishery would be to have a close time for four or five years or (failing such closure) to fish only from 15th May to 1st July, say six weeks, and nothing beyond, which he considers enough. Lobsters that come ashore after July are poor. Thinks that if shut down for three or more years there would be a rush when fishing was resumed and would be again fished out, unless protected. The best suggestion to protect the industry is to have fewer factories. Looks on leasing of the ground as the only way of protecting the fishery; would leave such leasing to the local overseer; considers three miles necessary for a factory. There are seven factories now, where there were formerly twelve, between this River and Richibucto. Mr. Guimond mentioned that he had observed the movements of the lobsters. It takes them five or six days to reach the other side of the Bay.

At Richibucto, 30th July, 1887, present the Commission, Mr. WILLIAM HANNAH, *Fishery Overseer*, coast line from Chok-fish to Kouchibouguacis, gave evidence. Is acquainted with the lobster industry in the district above described. Last year it took six to seven lobsters to fill a pound can, and this year about the same. Lobsters are scarcer than last year, scarcity is from overfishing. There are eleven factories within eleven miles. Would favor the assignment of areas (leases) and boundary lines; would assign those areas on the principle of priority of occupation. Would favor closing down for four years; then re opening with areas. If factories are not shut down for a term of years, then six weeks (not over) is too long to fish, say five weeks is enough from 20th May to last of June. Witness has noticed that there are very few "berried" lobsters this year. In the opinion of old fishermen it takes a lobster four years to grow the legal length of nine inches. In reply to enquiry by Secretary, Mr. Hannah thought that a lobster 4 to 5 inches is 2 years old. Lobster 6 inches, is 2 to 3 years old. Lobster 8 inches, is $3\frac{1}{2}$ years old. Lobster 9 inches, is 4 years old.

At Richibucto, Saturday, present the Commissioners, ROBERT ROBERTSON, of the *firm of Robertson*, offered evidence. This is the first season of packing. Occupies a factory purchased from Mr. Noble, employs 40 men and 14 women. Men's wages, outside and in, would average \$31 per man per month, and 14 women, \$15 each per month, therefore pays annually in labour \$4,700. Buys the lobsters by tale. It takes on an average 6 lobsters to a 1 pound can—say $5\frac{1}{2}$ or 6 on an average. Fishes 1,400 traps; attributes present condition of the lobster fishery to over-fishing. Thinks, if the factories are shut down at all, should be from three to four years to recuperate the industry. If factories were suddenly shut down (without a year's notice) one-third of the men would go to the States and would not be absorbed in other branches of Canadian industry. If not shut down for a term of years would recommend the fishing season to begin as early as could get to work, and then knock off finally on 10th July. Would consider assignment of area a valuable privilege. Would want a large range, and would pay a small price for it, the mere occupation of area would test it, but is not particular to have it. Does not favor a lobster fishing "lease,"

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the fishermen would not regard it favorably. Priority of having had traps set there should give claim to area.

There is no general complaint that the salmon fishery is injured by the lobster fishing.

MR. HANNAH, *Fishery Overseer, Richibucto*, heard the above evidence and in general terms assented thereto.

At *Bathurst*, 3rd August, 1887, before the Commissioners, Mr. A. W. T. DESBRISAY was invited to offer evidence. Has 4 factories, last year had 5. Employs in the Province of New Brunswick 30 men, at an average wage say \$36 per month, and 40 women at average wages say \$150 per month. Has been nine years interested in the industry. When first began nine years ago 3½ lobsters or so would have filled a 1 pound can; now it takes about seven. The lobsters are certainly decreasing in mathematical ratio. The ground on which witness fished was previously fished by others. The lobsters are decreasing in numbers as well, or more rapidly than in size. Began to fish this season on 10th May, and closed for lack of material end of June. Is in favor of closure for three years. If the closure is ordered would also be in favor of a system of licensing or leasing or allotment of fishing areas. Would thereafter shorten the season for fishing, say from the opening of spring to the 15th July, no more, and then close. He would allot lots by giving all existing factories their present areas, and as each weaker one died out it would enlarge the working area on the principle of "the survival of the fittest." Does not think there is much in the idea of an allotment of such space per *hundred of traps*, but would allow packers to exercise their own judgment as to fishing the space allotted. His own present ground covers 15 miles of beach for four factories, three of which are in the New Brunswick and the fourth in the Province of Quebec, which factories set this season about 4,000 traps, being at the rate of about 3½ miles of sea front for each 1000 traps. With reference to a license fee, would favor it, but does not think the business could pay a large fee, (and as salmon fishing licenses are only \$2 or \$5.) would think \$2 per mile for lobster fishing sufficient. Witness (Mr. DesBrisay) knows no remedy whatsoever for the failure of the Lobster fishing, except closing for say three years. The men now employed therein would not be lost to the Dominion of Canada, but would fall back to their little farms (for they all have little so called farms) or would be absorbed in other branches of fishing as they now are when lobster fishing closes; for lobster fishing is after all a question of a few weeks. Mr. DesBrisay (witness) knows of no remedy on this coast except total closing. Total closing must come sooner or later; it must come to that. To enforce the present size law of nine inches would be to shut up all the factories. Next best, after closing for a term of years, would be shortening the season, namely, to begin as soon as weather permits and shut down on say July 15th, on the principle of "half a loaf is better than no bread." No fishing after 15th July. It would never do at all to make the season from the 1st August and fish till fall. Lobsters are not like other fish,—a good year and a bad year,—because lobsters are gradually decreasing year by year, although the appliances for catching are becoming better. Have thought the matter over of opening, say a month, so as to keep up name of brands, &c., during the closure season of three or more years, but does not think it would be worth while on account of the expense and so forth (in reply to a question by Mr. Hackett) witness, when he first commenced to fish some years ago, he could continue fishing until October, but now closes in June from the lack of lobsters. Does not think a year's notice in closing is at all necessary to allow packers to work off their stock &c.,—Would be the same, however, if long notice was given. With reference to lease of areas, he has personally no fear of intruding shanties. Mr. DesBrisay's remarks apply only to the Bay of Chaleur and the Quebec coast.

At *Caraquet*, 4th August, 1887, before the Commissioners, *Hon. Rbt. Young, M. L. C., of New Brunswick*, offered evidence on the subject of the lobster fishery. Owns two lobster factories employing 30 men at an average of \$35 per month, and 30 women at \$15 thus contributing \$4,500 per season to the lobster industry. Has been in the business six years; when he first commenced 4 and 5 lobsters would fill a can, it

now takes about 7. Definitely states that a change is wanted in the regulations of the lobster industry. From the standpoint of both the packers and the lobsters themselves, he thinks that the fishing grounds should be fished only on alternate years. Is not a practical packer, but has given attention both of personal observation and the reports of his men. Considers that the season in alternate years should be (to commence on) 15th July to 1st August (the latter preferred) and fish for 2 or 3 months after 1st August,—after which time all lobsters have spawned. As stated above he favours three years closure,—but if not found practicable two years (at the least) would have to do. Witness has no fear of interlopers on his lobster fishing grounds, hence does not see the necessity of lease, he has no present undue opposition in his business and he believes in fair competition. Would mention that if areas were assigned, he would favor enforcing the present law as to size. Enforcing present law would shut up most of the factories. Considered nine inches a fair legal size, 4½ inches would be too large. Thinks that to close wholly on each alternate year would be concurred in by men who fish. To fish for May and June, only six weeks, would scarcely do. As to fishing every alternate year it is new matter and would require a great deal of thought,—say to begin in 1887. Before any vital change be made in existing arrangements one year's notice should be given. If the factories were closed the men would not be lost to Canada but would fall into other business. If the present law as to size were enforced it would not shut up his (Mr. Young's) factory.

On board chartered steamship "Miramichi," Bay du Vin, Northumberland County, N.B., before the Commissioners, Mr. Wyse, of Chatham, Fishery Overseer in Miramichi gave evidence.

Has been conversant for fifteen years with the lobster industry of New Brunswick north shore, and for past two years has owned a factory. Is positive that a change in the industry is necessary. Would suggest that present packers be given one year's grace to prepare for a change and to work off their stock on hand. Then would close the factories for three years, namely, 1889, 1890 and 1891; so as to give the lobsters time to recuperate. Thereafter would consider six weeks fishing in a season enough. If the Government cannot afford to give three years' closure, he would further suggest, as a remedial measure, that it be ordered that all lobster boxes or cages shall have the lower lath next the bottom at least two inches open, so as to afford space enough to allow the present illegal sized lobsters room to escape as the traps are being drawn up. How much better it would be to have them so escape, rather than have the young lobsters torn from the traps and have their claws clipped off, as is now done. With regard to assigning areas, if it had been done ten or fifteen years since it would have been satisfactory, but now is afraid it would throw the industry into the hands of foreigners—capitalists—who would come in and take our own people's ground. Considers he would like nine miles of sea space for his own 1,200 traps, for the reason that the fish come in from the east, from around the north west of Prince Edward Island, and pass west. If an equitable system of protection by areas could be framed, of course it would be beneficial, but doubts if it can be done now. If areas were allotted, he would consider it worth to him a reasonable sum per mile. Supposes such an arrangement would be unsatisfactory to the district he (Mr. Wyse) represents, inasmuch as the fishermen are not accustomed to such restrictions. After closure for a term of years and reopening, he would consider fishing season quite long enough from 15th May to 1st July, with traps properly spaced.

With reference to inspection of lobster fishery, Mr. Wyse is of opinion that the present system of wardens is not effective. His view is that there should be sub-inspectors for lobsters only, without local wardens as above stated. He would suggest that the only remedy for inefficiency of the present system of fishery wardens, is to appoint a special lobster inspector, without salary, but with an allowance of so much per day during the fishing season. Such special officer should have power to employ and discharge his own officers. As he cannot inspect traps before they are put into the water, he should have power to smash traps when found illegal. For

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first offence he would fine the factory \$5, for the second offence \$50, and for the third offence to seize and shut up the factory until released by Government. Such seizure would cause them to lose the fishing season and terrify them into obedience of the law.

MR. SAMUEL H. NAPIER has been in the lobster business five years. Suggests giving one year's notice and then shutting down for two or three years; or if not wholly to shut off, then to prohibit fishing in the inner waters where the lobsters breed. Mitchell was the first canner in the Gulf. Has been in the lobster business since 1877. When first began canning 2½ lobsters filled a can, it now takes 6 to 6½. The inferiority of small lobsters going into canning is greatly detrimental to our packing interest. The lobster traps have coaxed away the small bait, and the fishermen say that the lobster fishing has destroyed the sea fisheries and the sea fishing is becoming less.

F. L. GATAIN, of Bathurst, N.B., Lobster packer, has one factory on South Shore Bay of Chaleur, employing 12 men and 10 to 15 women, the men at \$26.00 per month and women at \$10, equal to \$1,400 in wages. Has had his own factory nine years. Lobsters are becoming both smaller and scarcer. At first three lobsters would fill a can, but it takes a little over six now. His definite opinion is that a change of some kind is required; would not favor closing for three years, but would consider it sufficient protection to commence as early as ice would allow and close in July, about the first, say for a period of ten years, to bring the fish up to the legal standard. Being asked if removal of lower bar of trap to the extent of two inches would protect by letting small lobsters escape? said he was opposed to it; it would let a 17-inch lobster out, and would let small fish in; he would favor instead a 3½ inch extension of the net of the traps; he himself had practiced it. Does not think that leasing areas would work; it is not necessary in his own case; leasing would not protect the areas. He would stop inside fishing, that is to say, harbours, channels and small bays, where the fish come in to spawn. Fishing after the first of July is the most destructive. On the coast (Bay Chaleur) fall fishing does not at all answer. There are porpoises, mostly farmers in the intervals of their crops, who fish with hooks on trawl lines, and boil the lobsters' claws and tails and take the meat to factories, where they sell it for 3½ cents per pound. Closing in July would stop this. Nine factories (referred to by name) have been for years kept going after July by these farmer fishermen. This grievance would end with the closing of the factories in July. If close seasons as proposed by witness (as above mentioned) were put in force, it would close half the factories on the shore of Bay of Chaleur.

Does not believe that lobster fishing hurts the salmon fishing.

MR. JAMES HICKSON, Fishery Overseer for the County of Gloucester. Has heard the evidence of last witness Mr. Gatain, and agrees with it excepting that he (Mr. Hickson) goes for leasing of territory, because it gives the fishery officer great control, greater leverage, by giving the power to stop packers' licenses in case of illegal practices. He has found it so in salmon fishing, without such a power as leasing the fishery officer cannot have control. If areas were leased some factories would protect their areas, others would not. The law is impossible to be enforced now. To close in the first of July would be a great benefit, cannot say if it would be complete protection. It might be tried for a year or two, and if not effective then close for a term of years. Legal size cannot now be enforced without the leasing system. Don't think it would be much cried out against. Would suggest making the license fee merely nominal. Leases would also give packers more control of their fishermen.

Lobster fishing don't hurt salmon fishing when traps are not within 250 yards of a salmon river. Have heard no complaints. There are no oysters in Gloucester County.

On way to Caraquet the Commissioners interviewed Mr. JOHN WINDSOR, of Petit Rocher, who has three factories and employs 50 men at an average of \$36 each per month, and 50 women at say \$12, equal to \$7,200 in labor this season. It now takes seven lobsters to fill a can. Does not see that any change of fishing season would benefit matters; in fact does not see a necessity for any definite close

season in the Bay of Chaleur. Certainly if factories are to be totally closed for a term, one full year's notice should be given to prepare, and even then he (witness) would only assent to one year's closure as an experiment. [Mr. Windsor here alluded in a semi-jocular way to lobster factories demanding compensation from the Government for compulsory closure.] Last year with fewer traps he put up 2,500 cases, this year only 1,000; of course the lobsters are falling off; factories one after another will have to close for want of fish. No factory can (now) meet the requirement of nine inches, legal size; therefore Government might shut down one year for a trial, not for two years. Does not approve of lease, does not think it would do. People would kick against it.

Mr. JOSEPH POIRIER, *Lobster packer, also of Gloucester County*, was interviewed by Commission, same time and place.

Mr. Poirier heard the evidence offered by the preceding witness (Mr. Windsor), and agrees with it generally, but thinks it would be no good to totally close for only one year. He would favor closing for a longer period. On the subject of leasing, agrees with Mr. Windsor, he would not favor it.

Mr. BOURGEOIS, *Caraquet*, offered evidence. Being asked to express his view of the prospects and size of lobsters, he replied: "I think, just as big as last year. For first few weeks of season they were larger than they became later, until they got to be 'bloody small.'" Thinks that one year's notice should be given, and then would agree to shut down for three years, which would improve the fishery. He favors lease and would give \$5 per mile to prevent encroachment, which would be better for the packer, because nobody could "interfere with me where I put my dollars and my boats" nor set their traps there. If he had an area, thinks he would protest; would put on five instead of ten boats, but would, of course, catch all the lobsters he could with those five boats. Cannot say whether fishermen would find fault with areas. Thinks that a regulation to "fish any time for six weeks is not enough." He would rather prefer the season as it is now, without recess in July.

At *Dalhousie*, 9th August, 1887, SIMON MCGREGOR, *Lobster packer*. Has one factory at Point Misson, Gloucester County, established in 1880, employing 30 men at \$25 (so witness stated) per month, and 20 women at \$10 per month, thus contributing to labor \$2,550 this season. In 1886, he fished 1,500 traps and packed 1,300 cases; and in 1887, with the same number of traps packed only 1,000 cases. Lobsters are scarcer and smaller. Buys lobsters by weight and cannot say how many it takes by count to fill a can. The fishery is decreasing every year. The best way to protect and preserve the lobster fishery would be to enforce present regulations as regards size and spawning, and have a shorter open season as follows: say, commence about 15th of May and close not later than 15th July, which, in opinion of witness, is all that is required. Would be opposed to closing for a number of years. Is opposed to leasing of areas to packers, it would be no protection to the lobsters, is quite unnecessary and would cause great dissatisfaction amongst people.

Mr. McGregor is also a salmon fisher and interested in that business. Finds that lobster traps do not interfere with salmon fishery.

Mr. HADDOW, *Bathurst, Gloucester County, N.B.*, has two factories, not now working. Fish are not plenty; they are falling off. If we are to continue fishing we should alter the fishing time. Needs a month's recess, say 20th July to 20th August; finds the fish fuller and larger in September, heavier and easier to pack. Would fish from May to about middle of July, then recess to middle of August, and six weeks afterwards to end of September. Sees a great difficulty in closing for three years. Does not think only six weeks' fishing would do; should have three months, the local fishery warden to rate the beginning and specify the closing time of each factory. Does not think it would be any advantage to leave traps open two inches at the base. In his opinion lobster fishing does not hurt salmon fishing.

The 29th July, 1887, Commissioners visited Mr. ANDRE's lobster factory at *Casey Point, County of Kent, N.B.*, where they saw many bushels of lobsters in tables, mostly of about eight inches in length (which is rather better than some other catches they had seen). Factory sets about 700 traps, and brings ashore at

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one lifting about 900 lobsters. A 11-inch lobster should weigh about 1½ pounds. In this factory 100 pounds weight of lobsters make twenty cans. Eight or nine men were hanging round the factory apparently idle. If the factory were closed those men would not go to the United States, but would subside into the farms, &c., from whence they came.

APPENDIX No. 3.

NOVA SCOTIA.

At *Sydney, C.B.*, 27th August, before the Commission. MR. BAKER has factories at *Port Hood, Gabarus, Lingan and Cape North*, where he packed 5,600 cases. Was 5 years on the south shore. There is a marked difference in the size of lobsters on the north and on the south of Cape Breton. On the south it takes 3 and $3\frac{1}{2}$ lobsters, taken in $4\frac{1}{2}$ fathoms water, to fill a one-pound can, but on the north it takes 5 and $5\frac{1}{2}$, taken in $2\frac{1}{2}$ fathoms. Recess in the month of July would not do, could not take up traps in July; it would close up the business. He would suggest as a fishing time for the location referred to from the 25th May and close 10th August. July is the best time for fishing in Cape Breton, and the lobsters are at their best up to about 25th August. If fishing began as soon as weather permitted, which is never much before 25th May, he would rather have the month of July than June. The profit on a factory is generally made after the first month (say July and after). Remarks apply from Cape St. Lawrence to West Cove. A good many eggs appear after 1st July, and more or less eggs are found all the time. Does not object to the present legal size of lobsters, and thinks there will be no scarcity of such lobsters for 30 years to come. Deep sea lobsters are the best, and are in their prime in August. Wants 10 days extension to the present fishing season, in the interest of all packers. Allotment of fishing areas might do, but would not suit the fishermen. Areas are really neither necessary nor desirable in the localities referred to. There is no difficulty in the way of interference with each other among the packers. He gives his fishermen traps. Of course shutting down for some years would increase the catch, where they now take 2,000 might take 5,000. He expresses no definite opinion as to shutting down. Cape Breton is not on the same footing as the mainland of Nova Scotia; from Cape North to Gabarus it is quite different from the Gut of Canso—is one month later.

MR. GREENER, who is associated with MR. BAKER at *Gabarus*, tendered evidence. Lobsters are generally larger from about the 20th July to the end of the fishing season, and they are in ova at different seasons throughout the year. Does not know the average period of life of the lobster, but on some old specimens has seen barnacles (conks) that might indicate 15 or 20 years. The best way to protect the lobster fishery is to take measures to keep up the size. Even under-sized fish are becoming scarce, and consequently the factories take them quite small. With reference to an extension of fishing time recently granted to Cape Breton and Nova Scotia, he approves of it in order that the year's business might be worked profitably. Government has discriminated against Cape Breton instead of in favor of it. Being asked why in those localities they did not put out more traps, replied because it costs so much and would not be profitable, unless such additional time had been given. As to the weight of fish, from and after the middle of July, 50 lobsters should weigh 100 lbs, but before the middle of July would weigh 20 lbs. less. Occasionally 25 per cent. of the catch is lost from bad weather. Shutting down the factories for a term of years is not wanted in Cape Breton, and does not see how it would protect the lobster.

MR. H. F. BAKER, Jr., *Sydney*, packs at *Little Bras d'Or, Ingonish and Cow Bay*, also at *St. Peter's Island, near St. Peter's Canal*. His factories are not so far north as his brother's. His (Mr. H. F. Baker's) lobsters are good, but later than those to the southward. Has never found in his experience a lobster soft shelled until the 1st to 16th September. Cannot protect lobsters in ova; the fishermen take off the eggs. You cannot protect lobsters by a close season. When there was no close season at all, no more lobsters were caught than now. Official printed documents of

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fisheries say lobsters spawn in July; this is not true, for they spawn in August. Apropos of his brother's evidence and of existing regulations, packers should be given the month of September, for in the past seven years there was in no year more than two months' fishing, which practically means only about 33 days out of that. If the Government intends to give only six weeks or two months, the packers should have the right to select such time as suits them, for a few miles makes a great difference. As to closure for a term of years, fishing should only be shut down where the fish are scarce or exterminated, but new ground should not be shut down at all, it would be very unfair if restriction must be imposed, better allow a certain number of factories, and prohibit any more from being built, and license those existing for a given number of traps only.

MR. COLIN C. BELL, *Sydney*, formerly a lobster packer of L. Pickard & Co., Boston, U.S., has heard the testimony offered, and concurs in what Mr. Baker has said.

MR. CORRETT, *Sydney*, endorses heartily what has been said. Has been two years in the business; built a factory this spring, and had it ready by 1st of June. Petitioned this year for an extension of fishing time. This year could not begin working till 4th June on account of lobsters being scarce. This year caught and packed the best lobsters from 29th July, but they were fairly well filled in June the tails were full but the claws a little deficient. In studying the habits of the lobster, thinks there are 2 species, one with a semi-transparent shell that keeps pretty much to one place, and shallower water, and the other the blue-black with large shells, which is the deep sea or travelling lobster, 10 to 16 inches in length and with a difference in the shape of the claws.

MR. GEORGE HURST, *Lobster Packer, Canso, N. S.*, is interested in 2 factories at Canso. Has known the business 14 or 15 years. Of course he finds the fishing falling off, 5½ to 6 lobsters are required to fill a one-pound can. Lobsters are large at the back of the Cape, where there is rock and kelp 200 yards off the shore. The average number of spawning lobsters is about 60 in 500. Even if the fishery were closed on 15th July, it would have no effect in protecting the fish or fishermen. Mr. Hurst would suggest that the law as it now stands if enforced would answer every purpose, which cannot be done without more wardens. Would further suggest that no lobster fishing should be done within the Canadian 3-mile limit. Closing up in fall would not have much effect, the present fishing season is all right. Thinks fishermen should be allowed to fish wherever they liked. Fishermen would be opposed to areas. In reply to a question by Commissioner Ogden, said it would not be advisable in Nova Scotia. Has not yet studied the subject of closing down for a term of years sufficiently to answer.

MR. LEONARD SCHREIDER, *Lobster Packer, Canso*, has been in the business 4 years but fished one year 14 years ago. Don't see much difference in the size of fish between 14 years since and now. Certainly can't see much difference in the past 2 years; thinks, on the whole, there is some difference in size between now and 14 years since, thinks there is no great complaint about the size. Thinks the present regulations are constantly broken, if properly carried out would be pretty straight. Considers the present length of fishing season favorably; would not favor any shorter time, not 6 months nor yet 2 months. Granting leases would simply ruin the industry in the eastern part of Guysboro. From Fox Island to Cranberry Island there is no room for areas. The Portland Packing Company actually fish the whole coast. Totally disapproves of closing for a term of years. If closed the men would be thrown out of employment and go to United States where they could get work at Gloucester. It would be no better if a year's notice were given before closing. Last year he set 4,200 traps and this year only 2,500.

MR. WHITE, *Lobster Packer, Canso*. No closure for any term of years is necessary at Canso. There is no visible change in the size or quantity of the lobster. Formerly and now 5 lbs. weight of raw unboiled fish made 16 ounces of meat. As to shortening the fishing season different localities would require different regulations.

August to him, as far as it goes, is probably the best month. Does not approve of leasing, it would not be practicable.

MR. WILLIAM FRAZER, OF BURNHAM AND MORELL, *Caribou, N.S.*, has been in business for six years at Caribou and St. John. Would recommend as the best fishing season to commence as early as might be, and fish to 10th July; then a recess to 10th August; and resume fishing till the end of September. Would not be in favor of closure for a term of years. Attributes the falling off in lobsters to a wrong fishing time. In June and July one-half the fish taken are in spawn; but after 10th August not 2 in 1,000.

MR. F. W. FORREST, *Lobster Packer, Pleasant Bay, 20 miles south of Cheticamp, west of Cape Breton*. In regulating the lobster fishery sectional dates as to the fishing and close seasons must be observed. Different localities require different dates. The north coast of Cape Breton is one month later than the mainland, although the ice leaves very fast at last. Mr. Forrest has been in the business 7 years. Gets to work not much before the 1st June, 4 lobsters make a can. Was formerly at Cape George. In first year 1881, 4 and $4\frac{1}{2}$ lobsters filled a can; last year it took 7; this is in consequence of over-fishing, sections where it has fallen to 7 to a can should be shut up. Leasing off areas is not necessary; the people would not object, but the fishermen would continue to over-fish all the same. A strict enforcement of the present law and regulations is the only way to protect the fishery. The present fishing and close season is all right. It is the smaller lobsters that strike in. Would consider a lobster of 9 inches in length to be four years old. If the season is to be shortened must have the month of July as a fishing month. At his place, lobsters spawn in August.

MESSRS. F. B. HAMBLIN & Co., *Lobster Packers, Pictou, N. S.*, have three factories in Nova Scotia, also one in P. E. Island. 108 men are employed in their factories, of whom fully 70 are fishermen, who this year will earn \$50 per month. Also are 36 women earning \$13 a month. It takes $4\frac{1}{2}$ to a shade less than 5 lobsters to fill a one pound can. Last year it took just 5. The first two years we caught all the large lobsters, and must now be contented with smaller, as have seen no great difference in size the past three years. Those that spawned on the ground three years ago seemed to have remained there, thus confirming the opinion that the lobster fishery is local. Have caught lobsters through the ice, which shows that they are there in winter. Messrs. Hamblin try to throw out all lobsters under nine inches in length, but if the nine-inch law were rigidly enforced it would interfere with business. Spawners in egg come in shoals in July, making about 10th July 25 per cent. of the total catch, but after that they fall off. Messrs. Hamblin insist on nine inch lobsters, but have seen after lobsters were landed and re-culled one-third were under legal size. There is no profit in canning lobsters less than seven inches in length. To rigidly enforce the nine inch law would be to close up all the factories. To fish for six weeks only would not pay the cost of running it. Business cannot be done without three months' fishing. Mr. Hamblin's candid opinion is that if the lobsters are protected during the spawning time, they cannot be extinguished. Such protection would be ample to preserve the fishery. There should be sectional dates of fishing for different sections. In Mr. Hamblin's opinion ten days of variation in sectional date of close season is sufficient to cover the industry throughout Canada. With reference to closing for a term of years, say three years, or even two years, he would be opposed to it for the reason that afterwards when fishing was resumed he should be just where we were. If factories were closed the fishermen would go to the States for employment. Leasing of areas would protect the packers to some extent by preventing trespassing and over-crowding, but not wholly. He himself (Mr. H.) would like to see a leasing system—in fact he wrote to the Department about it. He would be opposed to total closure of the factories for more or less years. But he would insist on closing for not over four or five weeks of spawning time. The average opening time with himself is 20th May; that is as early as can open in the Straits. A recess in spawning time, then re-open, so as to give an equal length of time fishing in the fall. Witness said he is obliged to fish all the time, so as to

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hold his men. He has packed about 4,200 cases, and last year 5,000; the total value of his 3 factories is \$20,000 or \$25,000. Twenty years ago on the coast of Maine they voluntarily stopped fishing in July because it did not pay and yet the lobsters were fished out. Does not think the coast of Maine is so good feeding or spawning grounds as here. Lobsters were formerly found on the Maine coast, weighing 10 and 15 lbs. and one weighing 28 lbs. One lobster would fill two cans. Mr. Hamblin mentioned with reference to his Prince Edward Island factory that he had noticed the rate of travel of lobsters was two days from Duncan McInnis' factory at High Bank to reach Ward's, and before spawning the fish were observed to come to Hamblin's factory at Wood Island's from the east, but after spawning they came from the west. Mr. Hamblin thinks a lobster of 4 inches in length is in its first year; 6 inches in length is 18 months to 2 years; 7½ inches in length is 3 years; 9 inches in length is 4 years, growing about 2 inches per annum after the first year.

W. CORVIN, employed in Lobster factory at Caribou, N. S., and for five years at Miminigash, P.E.I., did not see any real good lobsters at Miminigash in the five years. At Caribou it takes five to five and a half to fill a can, at first it took only four and a half. The fish are good in May and June and up to the 25th July, but are shelling up to 20th August, the time for closing. Suggests to knock out August and give September as a fishing month. To enforce the nine inch law would shut up some factories but not all. If the factories were closed for three years the lobster fisher men are not able to supply themselves with new sea-faring gear.

Mr. GEORGE ROWLINGS, Fishery Overseer of Musquodoboit Harbor, has been overseer only one year. Knows that lobsters are smaller than they were six years ago. Visits the factories six or seven times in the year, and estimates that it takes three and four lobsters to fill a can. His district is from Dartmouth to Ecum Secum, about 130 miles, and his remarks apply to that district. Thinks if the present law were strictly enforced it would be sufficient to protect the fishery. Would recommend the fishing season to commence as early as practicable in the spring, and shut down for the year on the 1st July. Does not think it necessary to close the factories for a term of years. Thinks the sale of fresh lobsters to the United States is the injury to the factories; would like to see such sale of fresh lobsters to Americans stopped.

Mr. S. S. FORREST, Lobster packer in Nova Scotia and Prince Edward Island also in Newfoundland. Mr. Forrest had previously been interviewed by the Commissioners at Georgetown, P.E.I., and now (at Halifax) confirmed his previous testimony as in some respects applicable to Nova Scotia. Is opposed to any system of lease. To keep existing regulations in force there should be a warden to every factory. He fishes 1,300 traps. Nine inches is sufficient for the legal size of canned lobsters; 10½ inches would be too large. The spawning time at his Nova Scotia factory is in July; about ten per cent. of all taken then are in egg, but the proportions vary considerably. Mr. Forrest wants two months fishing in Nova Scotia, and the month of July must not be one of those months. Different dates are required for different localities. Of course to close up the factories for three years and only allow two months fishing a re-opening would be a heroic measure. Mr. Forrest exhibited to the Commissioners specimens of canned lobsters put up by him three years ago, and now in perfect flavor and condition. Some conversation took place on the natural history of the lobster, and the well-known fact of difference of appearance in the sexes was referred to, namely, that the tail of the female is large and broad, while the tail of the male is smaller and the claws larger than in the female. The extension of fishing time to Guysboro' County this year has made Halifax County jealous. The fishery season is already too long. It should be shortened a month by knocking off July, then shut down for, say two years only, for it is not wise to look too far into the future, therefore, shut down for one or two years only. After July the lobsters are inferior. On the southern part of Nova Scotia this is the hardest year yet. Formerly three to three and a half lobsters filled a can, now it has taken six to seven. Don't quite think on the Atlantic Coast there is immediate need of a

closure for a term of years, but in the Gulf the thing is done up. A 12 inch law would of course effectually protect, but even to rigidly enforce the 9 inch law would close many factories. To sum up—shut down for a year or two; shorten the time, and enforce the law.

MESSRS. ROBERT SIMPSON & Co., of *Halifax, N.S.*, respecting lobster fishery they would have the regulations retained just as they are, excepting that they would shorten the fishing season, and make it close on 1st July. In Prospect and Sambro, lobsters are as large as ever, also at Salmon River and Spry Bay. They handle lobsters taken in 30 fathoms. It takes $3\frac{1}{2}$ to 4 ave-age lobsters to fill a one-pound can. Simpson & Co. handle the fish of several factories—about 30—and furnish supplies to 9 factories. Closing down for a term of years would, of course, shut up all the can shops. The enforcement of the present law and regulations, and closing for the year on 1st July, are all that are required for the protection of the fishery. "Slack-filled" lobsters (so-called) are mostly found in July. Simpson & Co. think 9 inches is a good lobster, $10\frac{1}{2}$ and 12 inches is too large to make the standard size. The live lobster trade now running on a large scale in the Counties of Yarmouth, Shelburne and Digby, but likely to extend further, has, and will have, a very serious effect on the canning business. Live lobsters, nominally not less than $10\frac{1}{2}$ inches, which is the legal standard in United States, are shipped on ice in crates in well-ships to Boston where the demand exceeds the supply. Purchasers of these lobsters in Nova Scotia do not buy them by the 100, but pay so much piece for them; consequently the fishermen make more money by picking out all the large lobsters and selling them to the well-steamer exporters, leaving only the small refuse lobsters to be canned. This is destructive to the canning business, although $10\frac{1}{2}$ inches is the Nova Scotia legal standard, some exporters of live lobsters will buy all down to 9 inches. The other day a man offered to take all that there were on the wharf, big and little, and in July 12,000 that had gone had were dumped into the harbour. This packing in ice in crates in wells is the business for which the fine new steamship "Electro" has been specially built and which can place live lobsters on the Boston market in 17 hours from Yarmouth. This rapidly increasing business of sending away alive all the best lobsters has alarmed the cannors, who will petition the Minister this fall for redress.

Memo. The Commissioners visited the "Electro."

MESSRS. E. D. & S. STAYNOR, *Lobster Packers, Halifax, N.S.*, own four factories. Seemed reluctant to admit that lobsters were falling off in size and numbers. He believed that if the present law of 9 inches were enforced it would answer every purpose. It would require an inspector in every factory, but dare say the factories would not object to pay part of the expense. Would rely on a heavy fine of \$5 per lobster. Does not believe in three years closure of the factories; it would be suicide, for many people get their living from the factories. Before the lobster fishing the fisherman could not live off his fishing, but now he buys good flour, &c., &c. Could not afford to shorten the season, but believes the enforcement of the 9 inch law would be sufficient. Cans $4\frac{1}{2}$ lobsters to the one pound can. Has decided that large and small lobsters do not go together, small ones run in shallow water and the larger ones are outside. If lease of areas could be accomplished it would be well for the packers. Mr. Staynor is interested with Mr. Poole in shipping live lobsters of $10\frac{1}{2}$ inches in well-steamers to United States. About 60,000 have been sent. He seems alarmed at the report that the American standard of lobsters is to be raised to 12 inches; and opined it would make a great difference in the fishing.

MR. J. H. TOWNSEND, *Lobster Packer, Halifax, N.S.* He and Mr. Stairs drafted a memorial to the Minister asking for a commission to enquire into the lobster fishery. Can't answer as a question, whether lobsters are increasing or decreasing in size and number, but more factories are annually started. Decrease in size is premonitory to falling off in numbers. Times are poor. So I asked the Government to grant a couple of months extra, August and September, to apply to this year, but did not get it. Mr. Townsend broached a theory to the effect that lobsters have to have a kelp bottom,—it is only in such a place they assemble in numbers,—there

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protection being secrecy,—and many of the kelp bottoms have now become bare. The question is, what has caused this barrenness? As bearing on the point, the net fishermen in Shoal Bay say that sea-vermin, sea-flea and such like have destroyed the sea weed and left the rocks bare. The corollary is that the lobsters,—scavengers of the water,—from being so reduced in numbers, have lost balance over the sea-vermin; which also effects other fishing, for herring and mackerel being clean water fish will not come in where the water is foul and full of vermin. Mackerel struck in this year at Cape Sable and struck out again in a few hours and the above may be the reason. Poisoning the water by trap baits has also much to do with it. The lobster is the first link in the chain of our sea-fisheries and its numbers should be protected. Of the fishermen from Halifax to Canoe not one in ten is as well off to-day as he was ten years ago, and as if there had never been a lobster on the coast. Before lobster fishing, every fisherman had a sea outfit for herring and mackerel. Mr. Townsend has heard 50 fishermen say they wished they had never seen a lobster. Paid their wages as the lobster fishermen are every month, they spend it as they go and have nothing left. Formerly when they owned and used an outfit they had a balance due at the end of the season, probably it is too late now, but the only remedy is to put every factory under license, for at the present time there is undue competition and the fishermen are impoverished. The fisherman catches everything,—he brings it to me and I refuse, but I must either take it or he sells it to Tom Brown.

Limit the factories, that is to say, limit the number of fisheries along the coast. The fishermen should be equally amenable with the packer for illegalities in the fishery. There are only two ways to remedy the present evil, first to shut down on the factories for a term of years; or, second to have an inspector in every factory to be paid by the factory. The inspector should be a stranger, not a neighbor, and should give bonds for his fidelity. But supposing the factories are allowed to continue running,—the first thing to be done is to alter the close season to suit various localities, inasmuch as the lobster spawn earlier in the west and later in the east. He (Mr. Townsend) and Mr. Foster and Mr. Burnham think that no lobster should be caught after the 1st July for East Halifax. Query?—Would it, therefore, be advisable or injurious to have fall fishing in September. Fishing should not be done later than 10th July on any account. If only two months lobster fishing were allowed it would compel the fishermen to refurnish their seines with a sea-outfit. Grant license to fish with power to revoke for breach of law. If the United States had adopted a license system their lobster fishery would not have been ruined, we are following their steps towards lobster extinction.

MR. ISAAC WATERS, Packer and Shipper, *Halifax, N.S.*, has been engaged in the business 28 years, and is now interested in the trade. His principal business is done along coast, and although the lobsters are getting smaller, does not think they can be said to be exterminated. Fishing in the month of July does the mischief, and some firms he does business with will not put their hands on the fish they take in July. To fish from 1st April to 10th July would, (he thinks) please seven-eighths of the packers. From his own standpoint of view, better have a \$1 on \$1,000 than 50 cents on \$500. Last year's stock is not yet sold out in England. From personal knowledge, he speaks as follows: The surplus on hand is from over-fishing; a large number of retail grocers in England have gone out of selling canned lobsters on account of the poor quality of the article. It is largely from Prince Edward Island that the trash is sent. Thinks the best lobsters in the world come from the Atlantic Coast of Nova Scotia, and the best packer could not produce equally good from New Brunswick. Shutting down the factories for some years would be a heroic measure. He would rather shorten the fishing season to the lowest possible time. Does not think it would destroy the lobster trade in other channels; can't destroy the market, as it would revive again.

The live lobster export trade is of the highest importance. Fishermen who send off the best of their lobsters alive to Americans are destroying the supply for themselves and their children, but it is a difficult matter to legislate on. Packers should

combine not to buy lobsters from fishermen who sell off their large fish to Americans.

Mr. JAMES W. GARDNER, Lobster Shipper and Canner, Yarmouth, N. S., was among the first to originate the live lobster export trade. It arose from small beginnings 10 years ago, and has now assumed very large proportions. If the canneries did not can 6-inch lobsters they would be revived. We confine our purchases for export to 10½ inches, that being the American legal standard, and the factories are using up the small lobsters very fast. We certainly do catch as many lobsters of the requisite size as formerly, but we have 100 men where formerly we had 40. Wants a special close season for Shelburne, Yarmouth and Digby counties to close on 15th July, of all caught after 15th July, 39 per cent. are dead. A 10½ inch lobster weighs just one pound. The fishermen should be allowed to fish in winter, his idea is that they might earn something at the end of winter and that they would not catch nearly so many as in summer, say where they catch 500 or 600 in summer they would only catch 50 or 100 in winter. He also wants the fishermen to have February and March, as lobsters can then be got in 30 and 40 fathoms, and they would get for 10½ inch lobster, here in Yarmouth, \$9 per hundred and in the United States, \$15 per hundred. Would not recommend to give October and November, (as some cannery in Yarmouth will ask), 4 and 5 average lobsters fill a can this year. We want a better class of fishery officers. The fishermen are the parties they should look after. Honest packers cannot compete with dishonest. To protect the fishery, 1st, have better officers; 2nd, enforce the law; when you stop killing the small lobsters then you will have large ones as they used to be. The live export on the western shore of Nova Scotia is of more value than canning. The lobsters are taken direct from the fishermen by American smacks. Leasing fishing areas would not do here, as the fishermen own the traps.

Mr. H. B. CANN, Lobster Packer, Yarmouth, N.S. It takes 2½ to 5 lobsters, according to the catch, to fill a one-pound can. Can't say that lobsters are getting scarcer, in fact rather more were packed this year with increased number of traps. Live lobsters can be taken from Yarmouth to Boston in 17 hours. On the western part of Shelburne and Digby, *live export is much more important than canning*; probably \$15,000 worth were exported. Has no great objection to the present law, but would like to have a few days fishing in February and March when lobsters are much more valuable. Lobsters do not go far, perhaps not further than 20 or 30 fathoms deep or 3 miles off the land. Have caught specimens at 4 and 12 miles off the land, and lately one 30 miles off. As regards shortening the season, would not be contented to close on 1st July. Would not want to throw off until 15th July. To insist on making the legal size 10½ inches, would be to close up the factories here. He would like an amendment to the Fisheries Act, section 19, sub-section 4, so as to cover *fishermen* as well as packers, and thus make the fishermen themselves liable for illegal possession as well as the packers, who have now to risk the penalty. The lobster fishery certainly demands protection; the coast of Maine has set a pretty good lesson to us. After the coming spring he would approve of shutting off fishing for any lobster under 10½ inches in the 3 counties of Yarmouth, Shelburne and Digby; and in those three counties, if *all* the canning factories were shut down, it would be a benefit. Down eastward a 10½ standard would not affect them much, as they get big ones down that way.

BROADFORD CORNELL, Lobster fisherman, Barrington. Has fished lobsters 5 years. They are about the same size as they were 5 years ago, but not quite as plentiful. He fishes at Seal Island; cannot commence before 15th May, and there are no soft-shell lobsters till the 1st August. The number of spawn fish is about the same all the year round, the proportion of spawn fish is about one in 15; four-tenths of the fish are 10½ inches long. We get from the factories for all under 10½ inches 70 cents per 100. When we sell alive 10½ inches and over, we get on an average 4½ cents apiece. As a fisherman it pays us much better to sell our fish for live export; we earn double the money that we do from the factories.

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MR. JOHN M. SHAND, *Lobster Packer, Barington, Shelburne County.* Has been in the Lobster business 33 years, and packing on the Shelburne coast 16 years. When first came there it took 3½ lobsters to fill a can, and it now takes about the same. There is no difference in size, but they are not so plentiful as formerly. Now owns 3 factories. If the season is to be shortened, would like to have it from 15th April to 1st July. The average size of lobsters is 11 inches, 75 per cent. are over 10½ inches. The fishermen sell all lobsters over 10½ inches for live export. I get only those lobsters that are 9 to 10½ inches; I do not get any under 9 inches. Packed 3,000 cases last year. Employs 130 men at an average of \$40 per month, and 25 girls at \$12 per month, thus providing in wages for this season, \$16,500. Would like to have the lease of an area, a person could then know what he could do.

ELIJAH NICKERSON, *Lobster Packer, Shelburne County, N.S.* Has packed for 2 years. Employs 30 men at \$40 per month, and 25 girls at \$12 per month, thus contributing in wages this season, \$4,500. Lobsters are as large now as they were 5 years ago, and thinks they are as plentiful as they were then. The average size of lobsters is 11 inches. Does most of his packing April, May and June. Generally commences his packing about 8th April. Thinks the present law is just about right now, and sufficient to protect the fishery.

HENRY T. D'ENTREMONT, *Lobster Packer, Lower East Pubnico, Yarmouth County.* Has packed two years, this year 1,550 cases, employing 45 men at \$40 per month, and 28 women at \$12 per month, thus expending in wages this season nearly \$6,500. Begins to pack generally about 10th April. It averages 3½ lobsters to a can. Would like the fishing season to be in April, July and August to 1st September in the interest of the fishermen.

MR. JOHN McDONALD, *Lobster packer, Lower Argyle, Yarmouth County, N. S.* Is a lobster packer, also an exporter of live lobsters to the Boston, U.S., market. Runs one factory in which he employs 75 men and 20 women. Referring to the official report of fishery warden Enos Gardner, of Tusket, Yarmouth County, published in the Fisheries Blue Book for 1886, in which it is stated to the effect that only small lobsters under 10½ inches were sold to the factories, witness stated that it was not true, inasmuch as at his factory they did not can small lobsters only, but also 10½ up. (The expression 10½ up means that 35 to 40 per cent. are over 10½ inches in length.) Export of live lobsters and canning clash. American steamers come up to Argyle Bay and buy lobsters both by weight and number, at the rate of 1.17 per hundred in count and by weight at 68 cents per 100 pounds. It takes 5 under-sized fish to make one pound of canned meat, and of average fish about 3½ to a can, 1,000 fish will fill 290 to 295 cans.

Live exports (as before said) is an injury to the packers; and to his, (Mr. McDonald's) views, taking the thing as a whole, he thinks that canning is much more important to the country than live export is, for the reason that it causes a greater distribution of wages. The live export must by nature be limited to these 3 counties of Yarmouth, Digby and Shelburne.

To the question, whether or not lobsters have fallen off; whether, with the same number of traps, the same number are taken? Mr. McDonald evaded the enquiry by replying that he could not answer the question. Is decidedly opposed to the allotment of areas; such a plan is not suitable to these three countries. Does not think the fish require any further protection than they now have. At his particular place it has always been a matter with him that the earlier the spring the earlier the fish—a matter of temperature. Places embayed are warmer than outside, hence earlier. He wants 4 months' fishing and to be given spring and fall, and arrange the time locally. Begin when the ice leaves, say 1st April; knock off on 1st to 5th June; reopen on 20th August and fish till 20th October, graduating the time according to the season. Group the 3 counties of Yarmouth, Digby and Shelburne, and let the local officer graduate the time. The fish spawn largely in June. Of lobsters 10½ inches up, it takes 1½ to fill a one-pound can. He is of opinion that lobsters live from 8 to 10 years.

F. L. HATFIELD, shipper of lobsters, Yarmouth, N.S. Five years ago 75 average lobsters made 140 pounds weight, but now 75 only make 90 pounds. Formerly the fishermen caught double what they do now; it was understood all along that over-fishing was doing it. Live exporters even prefer small lobsters, as being more delicate, than large. They buy, as counting for one, four or five inches in length, three of six inches in length and two of seven inches in length. He paid three to ten cents apiece, by the 100 count. Should have a close season from 14th July to 1st November. Fishermen might do something in November, but not much, and few factories would open, as it is rough on this coast and it would not pay to keep on the men. Mr. Hatfield explained how it would benefit the fishermen to be allowed to catch the few lobsters that the weather would permit in February and March when lobsters would be rare in the market and would fetch a big price. At present he would recommend that the existing law be enforced. The best thing that could be done would be to establish the American legal size of 10½ inches in length and make it universal. He (Mr. Hatfield) would sign a paper to close all the factories for two years, but thinks it can be done without. "Outer-lobsters," (i.e. deep-sea) are pretty fair up to the end of July.

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ago 75 average. Formerly all along that has been more than in length, and three to 14th July to not much, and pay to keep fishermen to be February and price. At the best thing 10 1/2 inches in close all the lobster-lobsters."

APPENDIX No. 4.

MAGDALEN ISLANDS.

There are twenty-two lobster factories in the Magdalen Islands, of which nineteen were in operation this season.

The Commission being on board the Government Steamship *La Canadienne* visited several points on the Magdalen Islands, on 15 and 16 of August, 1897, evidence was taken, of which the following is a precise:

AT AMHERST ISLAND.

G. A. LESLIE, *Amherst Harbor*, is owner of two factories, namely, West Point of Amherst and at South Bank. Employs 80 men at an average of \$18 per month and 50 women at 40c. per day, thus expending \$10,800 in labor. It takes 5 1/2 to 6 lobsters to fill a one-pound can, at the present time (now August), but in May and June only 4 and 4 1/2, or even 3 1/2 to 3 would be sufficient. He fishes 4000 traps in all. Lobster fishing has done comparatively well this year. The fish begin to get bad about the 10th July and about 12th August begin to get better. He would like September here (*Amherst harbor*) but it would not do at West Point. (It was here explained that from the peculiar topography of the islands, regulations would suit one locality would not suit another.) When September would suit, the fishermen would gladly take up and reset their traps for a recess of July. Say 10th of July to 12th August as before mentioned, that is to say, if September were given them instead of July. To close the factories for a term of years would for at least two years take away the main source the fishermen depend on for their livelihood. Witness himself might perhaps favor a licensing or leasing system, but it is not suitable to this locality, and he would rather take the chance of competition. Closing for a term might do in the Island of Prince Edward, as regards the packers, but here in the Magdalen Islands it would too much affect general business. Considers regulations different from elsewhere are wanted for the Magdalens. Would suggest beginning as early as possible and to fish until the middle of July, then take a recess of twenty days and then continue to fish nominally until end of year, but in reality they could not fish later than October, from broken weather. The Magdalens have no fresh water for salmon, although it is thought salmon are on the coast. Herring seines destroy lobster traps. (Commander Wakeham here explained that the seining for herring was over by first of June.) Does not consider lobster fishing hurts other fishings. If only six weeks' lobster fishing were allowed, would prefer it in spring, say up to 20th July, but is very well sure that the fishermen would grumble at any such regulations.

MR. J. FONTANA, *Land Agent and Agent for Lloyds, Amherst*, conversed with the Commissioners. Commissioner Deacon explained the present state of the lobster fishery and suggested a closure of the factories for, say five years. * Mr. Fontana's opinion is in favor of an annual close season and close enforcement of the existing law rather than a total closure.

MR. CHEVRIER, *Fishery Overseer, Amherst*, expressed his views on the general lobster industry in those islands. Admitted to close in midsummer would leave a protective influence, but thinks if a recess is taken in July the fisherman should be allowed to fish during the whole month of September. As regards laying off fishing areas, he does not approve of it—it would not do in the Magdalens.

Mr. PAINCHAUD, *Collector of Customs, Amherst*, in his view to limit fishing "in-side" to the term of six weeks would be a sufficient protection to the fish, but to limit fishing "outside" to six weeks you might as well stop fishing altogether, as it would be prohibitory. The lagoons should be prohibited from being fished in at all. About the closure of factories for say, three years,—does not think it necessary. About laying off areas, or leasing—thinks it would be difficult and not required. So many traps to a mile would not be practicable, inasmuch as some people continually change their lines of fishing. Total closure for a term of years would throw the fishermen into straits for a year or two until they fell into something else for a livelihood. In his opinion there is less chance of exhausting the lobster fishery in the Magdalen Islands than in any other part of the Dominion.

AT GRINDSTONE ISLAND.

W. G. LESLIE & Co., *Lobster Packers, Grindstone Island*. Have been in business five or six years. Have three factories, namely, at Gull Island, Wolf Island, and Red or Big Cape. Employ 74 men and boys, at wages of say \$45 per month, and 43 women at about \$10 per month, thus paying over \$11,000 for labor this season. In 1885 had more hands. Messrs. Leslie admit the falling off in the fishery, which must probably be attributed to over-fishing. This year will pack 1,000 cases, last year 1,400, and year before 2,300 cases, with the same number of traps, namely, 2,500. Lobsters are certainly scarcer and smaller. When they commenced packing in 1881-82 two and a-half lobsters would fill a can, and this year it takes fully five and a half. In opinion of witness thinks it is time the Government takes the steps to protect the lobster fishery. Would not favor closing for a term of years and thinks that shortening the fishing time to one month instead of three months would protect. Would say fish in fall. Thinks protection by areas is a good measure in itself, but is not really wanted in the Magdalens, although the ground that witness at first fished with ten boats is now fished by forty boats, there by two competing factories. Not much likelihood of many new factories springing up if licenses must be taken out, it should be at a nominal rate per mile. If a short fishing time were given in 1888 to work off stock witness would not object to closing for a term, but he thinks to shorten the season is preferable to total closure. Would decidedly prohibit all lagoon or inside fishing. In reply to a question witness said he had met a few large lagoon fish, but the usual run from the lagoon is small. The present average time for commencing fishing is about the opening of navigation, 1st of June. Does not think lobster fishing does injury to the mackerel fishery.

[The Commission thanked Mr. Leslie for his willing and intelligent evidence.]

G. N. ARSENAULT and JOHN NELSON ARSENAULT (brothers) each owning a factory, *House Harbor, Grindstone Island*, offered their evidence jointly. John has been three years engaged in the business, and G. N. one year, together they employ 83 men, at \$35 per month, and 28 women, at \$10, thus providing \$7,000 in wages. John three years ago, packed 800 cases with 2,500 traps (with 65 men and 15 women) and now with the same number of traps only 600 cases. During both last year and this year, they both twice lost traps by storms. At present it takes five to six lobsters to fill a can, G. N. stated that in July lobsters shed their shells and spawn, but begin to grow better about 1st (16th August). Believes the moon has a good deal to do with it. About fishing for only a month or six weeks,—replied he does not think it would be any use fishing at all for only June or six weeks—better to stop altogether; men could not be hired for a month; people would not come (both brothers agreed in this). Best way would be to close for some years if it were not for the poor people, three to five years, but it would be hard on the poor. They are in the straits now and "crying" when there is no fish. If must close for years there should be one year's notice. Leasing cannot be done in the Magdalens; it would be "murder" for the people to restrict them to areas. One of the Messrs. Arsenault's was in favor of continuing fishing in lagoons, because he believed the fish spawned outside; the other was strongly of opinion that lagoon fishing should be prohibited, because these shallow open lakes are the lobsters' spawning ground.

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AT GRAND ENTRY.

R. A. FLY, *Winslow Packing Company, Grand Entry*, which has been engaged in the business twelve years. Mr. Fly has been with them three years. Have two factories at Old Harry Head. Employ 40 Boats, 150 men, and 50 women, 5,100 traps and will pack 2,000 cases. First year Mr. Fly was there packed only 1,200 cases; the run of lobsters this year is $5\frac{1}{2}$ and $5\frac{1}{2}$ to a can; they are rather a shade larger this year, and he does not think scarcer, nevertheless there is no money in it for any man. About protection? As regulations now stand the best protection would be a close season from 15th July to 15th August; then re open and fish till the end of September, but no longer. Opened this year with part of his traps on 28th May. If fishing were only to be permitted for only six weeks how would it be? Yes, it would be a good idea to give six weeks only, in spring, that is to say to close for the year on the 15th July. Leases are not suitable for the Magdalen Islands; does not see how it could be done; it is not possible. Lagoon fishing should be totally prohibited; men and packers equally lose by it. The fish are smaller and inferior and different from those taken outside. Outside they are taken in 5 or 6 fathoms water and in the lagoons in 2 or 3 fathoms. Fishermen follow up the fish into the lagoons in July; they can fish all the year in the lagoons, but the fish are inferior. With a shorter fishing season, say six weeks, it would not be necessary in these Islands to shut down for three or more years, and fishermen would not have thereby to suffer, a short fishing season would be a protection to the packers and to the fishermen. Closing on the 15th July for the year would not affect the people (meaning the fishermen) because at that date (15th July) they could go to the cod-fishing. If kept on longer they would only hang about and require to be fed and run in debt to me as now, let them prepare for codfishing where they would make more in one day than in a lobster factory in a week. You can't starve one of them.

NEIL McLELLAN, *Grand Entry, Lobster Packer*. Has been interested in lobster packing thirteen years. Had formerly four factories, but now only one on Entry Island. At present employ 50 men and 23 women, with 1,200 traps, and will this year put up 800 cases. It now takes four and a half sea lobsters to fill a one pound can, and eight lobsters from the lagoon. When first began canning, the sea and lagoon lobsters were about equal size. Lobsters are now becoming rather smaller, and this year he will put up only about three-fourths of his usual quantity. The scarcer the lobsters the smaller they are. As regards protection, the best suggestion would be to open as early as we can open, and shut down 1st to 10th July; re-open 1st to 10th August, and fish as long as we can; this would be best for all concerned. About closing finally on the 10th July, it would only be a bother, and we might as well close altogether. Does not think favorably of leasing areas for the present. They fish in the lagoons all the time the same as in the sea. It would be a good law to shut off the lagoons for four or five years.

"*La Canadienne*." The commission could not fail to be impressed with the minute and accurate knowledge of the Magdalen Islands and their fisheries exhibited by Commander Wakeham, commanding the Government steamship "*La Canadienne*." Commander Wakeham was good enough to accompany the Commissioners to the interviews they had on shore and afforded much valuable and courteous assistance. Being requested by the Commissioners to state his views he suggested that the points for the Commission to consider were:—

- 1st. Separate regulations for the Magdalens.
 - 2nd. An arrangement of fishing seasons, if such arrangement could be made for both sides of the Islands. No fish to be taken after 15th July anywhere around the Magdalens?
 - 3rd. Totally prohibit lagoon fishing.
 - 4th. Leasing system totally inapplicable to the Magdalen Islands.
- Captain Wakeham also extends the same views, to closing all fishing on the 15th July along the whole Gaspé coast.

"*La Canadienne*" left the Magdalens on 17th August, 1887, on way to Pictou to coal, and on the way landed Commissioners Deacon and Duvar, at Souris.

MR. CHARLES OYE, *Grand Pabos, Gaspé*. To protect the lobster fishery the first thing to be done is to prevent "trawling" (meaning farmers along shore catching and selling boiled lobster meat, chiefly claws and tails, to the factories, as explained in Mr. Gatain's evidence, in page 41). Witness owns two factories, one of which is closed, employs 15 men and 12 to 15 women, the men at \$25 per month and the women at \$15, thus contributing to labor \$1,800 this season. Has been in the business 3 years, and finds the fishing decreasing in the past 2 years. In the month of July it takes 7 lobsters to fill a one-pound can, but from 1st to 20th of August only 4½. Lobsters taken by trawls inshore are mostly in egg. Buys by weight. Lobsters are becoming scarce, but he thinks they have taken another direction, and he closed down at one factory end of June. As regards a fishing season of only six weeks, he would not go into business for so short a time. Regarding a suggestion to close down for three or more years, he would say that is the only affectual way. Is decidedly opposed to leases. His is the only factory within 40 miles on one side of me, and 25 miles on the other. If required to be confined within areas, he would give up the business. There are nine more factories this year than last, from Gaspé Basin up to Newport. The fishing season should have July knocked off then fish till winter (September). Closing for three years would cause an outcry, but in his case it would be only from the 30 hands that he employs.

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APPENDIX No. 5.

PRINCE EDWARD ISLAND.

MR. HENRY CLARK, *Officer in charge of Dunk River Hatchery, and Fishery Overseer Bedeque District.* Abundance of the finest oysters were formerly found all over Bedeque Bay, but are now fished out. There are still a very few about Oyster Point, head of Bedeque Bay, and up to Wilmot Bridge, but digging destroys them. In answer to a question, Mr. Clarke said the farmers would not stand a prohibition of mud-digging; that shell manure was of more importance to the Province than export of oysters, on the principle of the greatest good to the greatest number. [A conversation ensued in which it was elicited that mud-digging only benefited those farmers living within say easy distance of estuaries,—but it was stated that mud had been conveyed by railway to Hunter River, and even as far as Tignish.] In places old beds are 20 feet deep with shells, which choke the channels; there may be small coves about the old beds where a few oysters may be got for home use, but none go from Bedeque into the hands of exporters. Mr. Clarke expressed views in favor of raking oysters by means of heavy oyster rakes instead of fishing with tongs. In his opinion there are many places along the estuaries that farmers and others would gladly take leases of for oyster culture.

MR. JOHN. A. SHARP, *Oyster Shipper, Summerside,* has been 18 years in the business. Ships very largely, and from the quantities offered can get all the supply he wants. Very few oysters come from Bedeque Bay. Much the largest quantity is from Richmond Bay. Say 3,000 barrels. He buys from the fishermen. There are about 500 boats and 1,000 men fishing at Richmond Bay. The only way to protect and preserve the small oyster: all small oysters should be thrown over from the boats under pain of a heavy penalty. Fishermen should be fined for landing small oysters; purchasers would not agree to a fine for "having in possession." No oyster whatsoever should be landed if under three inches in length for long oysters, and two inches in diameter for round.

Possession of oysters under these dimensions subjects the possessor to a fine. Both long and round oysters are taken together. Due protection of Richmond Bay would require a special corps of Inspectors and specified landing places—say ten places, namely: Miscouche, Old Store, Locke's Shore, Roger's Creek, Indian River, (three men at Indian River), and elsewhere. The present close season is satisfactory, excepting that he (Mr. Sharp and others) would like to go back to 1st instead of 15th September as the day of opening. Declares there are very few oysters shipped and spoiled. Expresses no opinion as to the registration of oyster boats. Richmond Bay should be a free fishery. Would not object to the leasing of private areas, in fact would recommend it.

MR. JAMES A. SHARP, *Oyster-Shipper, Summerside,* has been an oyster dealer for the past 30 years. Has heard the evidence of Mr. John A. Sharp and thinks it would be better to go back to the old fishing time of 1st September. Agrees as to requiring a corps of inspectors for Richmond Bay, and approves of prohibiting the possession of small oysters.

MR. H. MILLS, *Oyster-Dealer, Summerside,* has been in the business for 10 years. As stated by previous witness there are 500 boats and 1,000 men at Richmond Bay and from it derives most of his supplies for shipment. He quite agrees as to the proposed size under which oysters should be considered illegal, namely $3\frac{1}{2}$ inches in length for long and 2 inches in diameter for round. Agrees likewise that no oyster should be landed except at specified landing places, the places named in Mr.

John Sharp's evidence would be about right. Also sees the necessity of sufficient number of special oyster inspectors to prevent the landing of illegal oysters, they would also be useful in the close season. The close season to 15th September is satisfactory. Large catches are made on the opening day, and to go back to the 1st September instead of the 15th would improve the result much to the men. Thinks well of registration of oyster-boats, and further would propose a license of exporters to cost \$25 and \$50. Would approve of leasing blank areas for private oyster culture, but existing beds should remain with the public. The term of such leases should be optional as long as the regulations are complied with.

Mr. G. W. SHARP, *Oyster-Shipper, Lot 12 Point*. Has been a shipper of oysters for 27 years from Richmond Bay and Bideford; according to his experience he would think it better to have a close season from 15th June to 1st September. Does not at all approve of leasing areas as it would give a monopoly. This remark applies to leasing existing beds or blank spaces for private culture. He would disapprove of both. Half an acre is a large space for an oyster bed. He assisted to measure at Squirrel Creek—the ground is not an acre in width. There are beds up to Hog Island, Twelve Point, Bideford, there are 20 acres in Bideford Basin. Believes that mud-digging does not hurt the oyster beds. About Egmont Bay, the oysters get covered with mud from freshets, but the first heavy blow washes off the mud and leaves the oysters clean. Egmont and Percival Bays are not good sites. In addition to the places named are oysters at Squirrel Creek, end of Lot 12 Road, Richard's Wharf and England's Shore, and especially at the Narrows where there are 100 acres of beds.

Mr. McNEILL, *Grand River, Lot 14, P. O. Arlington*, approves of the proposal to make all oysters under 3 inches in length illegal. Were 30 mud-diggers on Grand River this spring, but digging is not very injurious there, because the live beds are distant from the dead ledges. Suitable wardens are wanted,—one man could watch both the Chapel and Ferry landings. With reference to the close season he would prefer from 1st June to 1st September, but has no great objection to the present dates. Private areas could be laid off for lease below the ferry.

Mr. H. V. DesROCHES, *Oyster shipper, Miscouche*, has been in the business 10 years. Ships 2,000 brls. annually. The small size of oysters hurts the market. Oysters of 3 inches should not be marketable. A sufficiency of oyster inspectors are wanted, and he agrees with a previous witness that certain landings should be specified and oysters not allowed to be landed at any other place. As matters stand the present close season will do, but if small oysters were totally prohibited would have the fishing to begin on 1st of September instead of 15th. Does not approve of private oyster-culture as in time it would come to compete with public fishing. Digging holes does not interfere with fishing,—not near Burnt Island.

Mr. THOMAS ROBBLEE, *shipper of oysters, Summerside*, in the business and knows the oyster-trade. Is in favor of oyster culture on blank grounds, but objects to depriving the public of existing beds. Canada is the only market, has shipped to Windsor, U. S., among other places. Would consider three inches in diameter the minimum size of oysters that should be taken.

Mr. ALEX. C. SHAW, *Fishery Warden West River, Queen's County*. Mr. Shaw described the oyster beds in his district. There are four principal live beds, namely one between Shaw's Wharf and West River Bridge, the second between Shaw's Wharf and north side of Clyde River, third Long Creek, three-quarters of a mile in the mouth of the creek,—an excellent place; fourth, Mill Creek, between North Point and Crosby's Creek. Mud-digging should be prevented, as it is rapidly exhausting the beds, and small lots should be laid off and leased for private culture, say the 10 chains frontage of farms to centre of channel. The oyster beds run right across the river.

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Mr. V. S. GILLIS, *Fishery Warden, Indian River, Lot 18 on Richmond Bay, P.E.I.* The oyster beds are pretty regularly scattered all over Richmond Bay from Mills Point to Cape Malpeque; that is after leaving the shores, say a half mile or more. The beds differ in size—some are large, thought to be probably 10 acres, some one acre, while the greater number may not be more than a quarter of an acre in area.

Taking the whole stretch from Mills Point to Cape Malpeque it is safe to assume that half the bottom is oyster bed. Regarding the quality of oysters, they are all good, but the ones taken near Curtain Island seem to take preference on account of being thicker shelled at the point of the oyster, they stand more handling, while the oysters caught near the upper part of the Bay are larger and thinner at the point. The oysters are more plentiful down towards the Lot 16 shore than up near Mill's Point, but not so large. Does not think that mud-digging in any way injures the oysters, as mud is only dug where the water is the shallowest and on the top or middle part of the raised beds where seldom any oysters are found. One change he would suggest for the protection of the oysters is to extend the close season till the 1st October, and allow no fishing in the spring, for exportation, at least. And another is to have a night warden appointed whose duty would be to guard and watch the shores on the south side of Richmond Bay during the close season; and the third would be to allow no oysters to be caught or handled less than three inches in length, to have the law equally binding on the buyer, seller or fishermen. Regulations such as these would, he thinks, be sufficient, or at least help to protect the oyster and would be acceptable to the majority of people, both fishermen and buyers. Has heard it reported that it is the intention to lease the oyster beds to a certain few individuals, but such a course will be very unsatisfactory, so much so, that there is no opposition that can be shown to it but will be given. Would not, under any circumstances recommend such a scheme.

Mr. JOHN A. RAMSAY, *Fishery Warden (with boat at Richmond Bay), Hamilton, Lot 18.* First, in regard to the extent of the beds in Richmond Bay, fishermen that have been in the business 10 or 12 years, say that fully half the bay is oyster beds, and witness is sure it must be the case, for the boats are scattered all over it.

With regard to the quality, they catch as large oysters now as they did in previous years. This is owing to new places that have not been raked for some time. With regard to the beds overfished, there are some beds that are gone in the centre, whether it is from overfishing or other causes, can't say. As far as mud digging is concerned, it does not injure the oysters, as a great number of the beds there is little or no mud on them, and also a number that the fishermen call "sand beds."

With regard to the close season, if it was extended to 1st of October, it would satisfy most of the fishermen. When September is fine, the market is glutted and oysters spoil, which is a loss to the fishermen, as well as to the shipper. May also state that the fishermen are opposed to having the bay or beds sold or leased. Can't see how the bay could be sold or leased to satisfy the fishermen that are in the business. May say hundreds of men are depending on the oysters for the maintenance of themselves and families through the long winter. Comparing the oyster fishery with the lobster, inshore lobster fishing is said to have fallen short about one-half. Now, there is a difference between the two—the oyster is stationary, so the fishermen have to go to him to fish, whereas the lobster has a tendency to go to the fishermen's bait, so the lobster is the most likely to be destroyed first.

Mr. DAVID L. BRYANT, *Fishery Warden, Egmont Bay, Prince County*, stated that as to the oyster beds in his district, there are many at Enmore River; they are much out up with mud digging. In Percival River they are not. Still, there are some good beds at Enmore, and fine oysters on them, these being in deep water. Most of the very large beds are dead, the ice resting on them in winter. Believe these beds could be levelled down about 2 feet, and would soon be as good as ever. There are far more oysters there than a great many people think. Almost every year a small schooner comes from Richibucto and gets her load in a few days; four men of themselves do the fishing; they do not buy any. Many of our own oyster fishermen have moved from the place, and the beds are not half raked. The Perci-

val River oysters are a single oyster and a very thick shell on the edge. Enmore oysters are not so, they are in clusters and thin on the edge. As for the close season at present, thinks it cannot be bettered. There are some oyster beds at Brae and Pierre Jacques, but they are badly hurt with mud diggers. Believes it is a great mistake to take the small oysters. Believes it is much better for the beds to be raked every year and the small oysters left. Some time ago a great many of our oyster beds were covered with what we thought was mud, but witness found it was not so; it was sawdust that had been in the river for years, and nearly as black as the mud, still it is not so heavy and is easily lifted with a strong current, such as the memorable August storm and heavy freshets in spring. This is mostly washed off now, and the beds are doing much better.

MR. CALVIN HOWATT, *Fishery Warden, Tryon Bedeque, Prince County*. In Tryon River there are some live oysters yet, but they are very scarce. They are scattered along the bottom of the channel from Warren Howatt's to Sand Point,—(on Atlas). What oysters there are, are of superior quality, in fact the finest oysters ever seen have been caught here, but they are too scarce to catch for market. They are not destroyed by mud-digging. The only difference witness has noticed the last few years is that they have scattered over more bottom. Can hardly say what can be done to revive them or why they are not getting thicker. Warden Howatt does not allow any fishing whatever in the close season. Would suppose there was suitable bottom or the oysters that are there would not live, but the oldest men tell that there has been oysters here ever since they remember, but have never been very thick. There is a bed of live oysters somewhere off the Tryon shores, as live oysters are often found on the shore after a storm.

MR. JAMES A. McDONALD, *Fishery Warden, Grand River, Lot 14, Prince County*. As to the extent of the beds in Grand River, they are very extensive; they extend about seven miles from the bend of Grand River to Lot 16, that is, as far as witness' district runs. The beds are numerous. For the quality they have always got the praise of being the best that could be got and they are long at that. Don't think they are anyway destroyed by mud-digging. Has been talking to the principal oyster fishers and they say that (oysters) are as plentiful now as they have been for years back. As to the close season, thinks it is too short. Thinks we ought to have nine months of a close season. Thinks they ought not to be disturbed in the spring of the year at all; that is to say, after the navigation closes in the fall. Thinks they ought not to be disturbed till the 15th of September. Has seen in the *Journal* recommending leasing for fishing oysters. In his opinion that would not be fair, it would not give the poor people a fair chance, for there are many people too poor to get leases, and on that account they would be debarred from getting a chance to live, as there are many depending on oyster-fishing for a living. Don't think it would be fair, it would give those who have got money a chance to grapple all, and the majority of the poor would be at the mercy of the lessors. Hopes such a measure would not pass. There is one thing more would like to see; that is, a stop put to catching those small oysters and destroying them as they are doing, it is very destructive to oysters, and hopes there will be something done to remedy this evil. As to the size would say nothing less than two inches in length should be taken, and small ones dumped into deep water.

MR. WILLIAM WHITEHEAD, *Fishery Warden, Clifton, New London, Queen's County*, says in regard to oyster fishing and to the extent of the beds,—Cannot say exactly, but there are several acres in different beds to the west of Fitzsimmon's Point, but are not overfished. As to the quality of oysters, are larger than any else caught on the north side, and command better prices. The mud digging may hurt them to a certain extent, but it cannot be prevented. Thinks the close season is suitable.

MR. GEORGE F. BEERS, *Fishery Warden, Cherry Valley, Queen's County*, testified to the extent of oysters in his district. Seal River branch is over two miles long and an average of about sixty feet wide. Size of oysters medium; quality good. Cherry Valley branch about one mile and a half long and an average breadth of about fifty feet; quality good, flavor excellent, size medium. Pownal Bay is two miles from

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Cherry Valley oyster beds: length of beds, two miles; breadth, about fifty; size of oysters, large; quality, good. All the beds have been overfished. They have not been destroyed by mud-digging. With respect to the protection of oysters, could not offer suggestions. Present close season satisfactory.

MR. JAMES P. TRAINOR, *Fishery Warden, Johnston's River, Queen's County*. There are about ten oyster beds in his district; five of these which are not fished upon, but partly dead, cover from 5,000 to 20,000 square feet each, and the five which are fished upon, viz., Johnston's River bed, Campbell's bed, Jennings's bed, Fish's bed and Webster's bed, cover from 10,000 to 40,000 square feet each, and in my opinion are well worthy of protection from mud digging, as the oysters are improving in quality, quantity and value. The largest class of oysters caught on these beds would be from six to eight inches long and from three to four broad. Thinks the present arrangements with regard to the close season very suitable.

MR. JOSEPH MURPHY, *Fishery Warden, China Point, the District of Orwell, and Seal Bays, Queen's County*, states that there are three principal beds and two or three smaller ones in his district. The principal bed or the one most fished, situated in the Orwell River, is perhaps two hundred feet by fifty on the main bed, the bed next in dimensions is in Vernon River, it is not so much fished on and is perhaps seventy-five feet by thirty feet. The smallest of the three is in Seal River. It is fished considerably and is on the main bed perhaps fifty by twenty feet. There are smaller beds, around China Point wharf and another in Orwell, which are not fished to any extent. Pownal beds are not in my district. They are fully as large and important as Orwell and Seal River beds. The oysters are not large, about medium size. If not fished so incessantly they would increase in size and the beds with care might be enlarged and improved. Mud digging does not interfere with them as the oysters in the beds dug from have long been dead. The present close season would answer fairly well if properly enforced. In the autumn for several years past small fishing schooners anchored and fished from Orwell and Seal River beds. After each season the oysters seem to have decreased in quantity and size, and in my opinion if allowed to be continued will utterly destroy the beds. I would recommend a rest of at least two years to allow the beds to recover from overfishing.

APPENDIX No. 6.

NEW-BRUNSWICK.

Messrs. J. W. & J. ANDERSON, packers of Lobsters and Oysters, Church Point, County of Northumberland, Province of New Brunswick, communicated with the Commissioners, in writing, as follows:—We have been requested to write you and give our opinion about the lobster fishery. To make a long story short we believe the lobster is nearly fished out, and if something is not done to stop the fishing for a term of years they will be exterminated altogether. We have been in the business now about eight years and our experience is that the catch has fallen off in each year fully one-half, and we feel satisfied that it will only take about two years, at the same rate of fishing, to clean them out altogether; for our part we have closed down our factories for good.

Another matter we would wish to bring before you is the oyster fishing near here. There is a river called the Tabusintac in which there is a large quantity of oysters, but the shell being soft, they are not fit to ship, as they will not stand handling, they are caught near the head of the tide, or where the water is nearly fresh, which accounts for the shell being soft. Now what we would ask is that this river be made special and the time for fishing commence the first of September instead of the 15th. These oysters do very well for canning purposes, if taken down and bedded in the salt water for a time, but the regulation as it stands now prohibits fishing until after the 15th, which makes the season very short, until the water gets cold and the inhabitants have to stop fishing, as in the second bedding the oyster has to be all picked by hand owing to the softness of the shell, and the water getting very cold in October the business has to be stopped. We have tried the business for the last two falls, and we feel satisfied that if we could commence by the first of September we could make the business successful, which would be a great boon not only to ourselves, but the poor people of the district who fish and work at the canning of them, and as the oysters are laying there rotting in the mud, and for shipment will never be of any use, we cannot see why our request cannot be granted. Any of the wardens or overseers of the district will certify that our statements are correct.

EUSTACE MARTIN, Oyster Shipper, Cocagne, N. B., has been interested in oyster fishing 20 or 30 years. Has not been a shipper, but oysters have passed through his hands in every other way. Oysters are decreasing in quantity,—partly attributable to the quantity fished through the ice. [Cut a hole 4 feet by 2 feet through the ice, then rake (not tongs) and when that hole is raked then cut another,—they would find about a bushel in a hole,—average work would be four holes a day at 2 feet thick of ice,—they cut them by axe, saw and "slice."] The oysters they get through the ice in winter are barreled and kept until they get market for them at St. John, Halifax, Moncton and Montreal, to which places they are sent, marked "oysters." In his opinion winter fishing is destructive, for every bushel of oysters marketed 10 bushels of shells are left on the beds. In Cocagne Bay and River there are about 5 or 6 square miles of oyster grounds. These beds are in the shape of hillocks, some of which reach the surface at low water. Formerly 1,500 barrels were taken in Cocagne Bay, now 500 to 300. A man would take 8 to 12 brls. in a season. The nearest beds to the shore are within 100 yards,—depth of water 2 feet. The deepest of the beds is only 6 feet at low water and 10 feet at high water. The farthest bed discovered is about $\frac{1}{2}$ th of a mile inside of the Two Points, being in 10 feet low and 13 feet at high water. [Eustace Martin the present witness discovered

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it]. It is the largest bed in Cocagne Bay. It is called "the Mariane Bed." It will be found by drawing a line from Eustace Martin's farm due north, and across the line from in front of Mr. Martin, Frank Bourgeois, Daniel Goguen and Peter Goguen, all of whom are on the north side of the river. The other beds are respectively about an acre more or less, in extent. Above the bridge is a solid oyster bed of 4 miles extent, with an average width of channel 50 yards. There are 10 or 12 mud-digging machines on the river. Good oysters would be 4 inches in diameter, round oysters. In one barrel one-third of 2½ and 2¼ inches would pass muster. The minimum size should not be less than three inches in diameter.

At Buctouche, 29th July, 1887, present, the Commissioners. JOHN MARTIN of Buctouche, Kent County, N.B. In addition to his business of lobster fishing, fishes oysters, both winter and summer and in spring till June and again after 15th September, and fishes all over the Bay of Buctouche. The beds in bay are scattered from 25 square feet to 5 or 6 acres each. On each side of channel of Buctouche River is a solid oyster bed, but the splendid bed on the north side of the river from below the chapel is wholly destroyed by mud-digging. He fishes by raking, not tongs. In his opinion "raking" improves beds [explained why so, oysters are found even 35 feet off the wharf. The bottom of the bay is mostly hard mud and dead oyster shells. There is plenty of room around the outer edge of the bay for private oyster culture. The mud-diggers are the serious injury. Tide being strong here the sediment set afloat by the diggers is more hurtful than the solid substance of oysters removed from bed by digging. Sediment will float a couple of miles before it subsides. There is no local legislation as to digging—spat won't grow on old shells covered with slimy substance. Question? Being asked whether mud-digging or oysters is of the greater benefit to the public, the witness branched off into statements about rich and poor men, not relevant. Public feeling here is in favor of protecting the oyster beds. Opposite Isidore Points, near Wilmot's factory are oysters. In winter he gets about 50 barrels himself, worth to him \$4 per barrel. In a ½ barrel of oysters so (roughly) handled and fished for shipment would be about a bushel of small sized illegal oysters dropped on the ice to perish. Would not be in favor of prohibiting winter fishing. Decidedly not, 50 brls. at \$4. \$200 accounts for it. [Memo. 50 brls. at \$4 per barrel, \$200, for the winter's work, would account for this]. There are 10 to 12 mud-diggers working on the bay.

Honorable ROBERT YOUNG, Caraqueet, believes the present oyster regulations were adopted by the Government at his suggestion. It is asserted that the whole bottom of Caraqueet Bay is paved with oysters. It is fished only by local fishermen, say 250 canoes, with 500 men, each man in the beginning of the season taking 5 to 6 barrels per canoe, or say in the whole season 10,000 barrels. The oysters are sold to schooners at 50 cents per barrel. The Caraqueet oyster is the nearest approach to the English "native," a round oyster. As to depth there may be on some of the beds only 2 feet at low water, from that to 10 to 12 feet. They are small. The size should not be less than 2 inches diameter for round and 3 inches for long. Would consider Caraqueet Bay important enough for a sufficient well paid inspector. There is no mud digging. Would favor the laying off the bay into two divisions and fishing these divisions alternately. Favors areas being leased for private culture outside of existing beds, existing beds should be reserved for the public. The bottom is hard mud suitable for oyster culture. The market is mostly in the west, say Montreal, Kingston, Ottawa, also Halifax.

G. CORMIER, Caraqueet, related particulars of an attempt to plant oysters in a part of Caraqueet Bay, but which was not successful, the bottom where planted being of soft, foul smelling black mud. Further down is good bottom all along the bay, excepting in very deep water in which is long aquatic grass in which oysters will not live. On the south side of the channel for 500 yards, by 50 yards wide, is a good bottom for oyster culture, the same bottom on which the natural beds live. A canoe with two men will take 50 to 60 barrels in a season, which they pass to a shipper, worth, if hand-picked, \$1 to \$2.50 per barrel. Thirty years ago four times as many were fished as now. These were large oysters then, but they have now become too

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small for shipping from overfishing, and from continuance of overfishing they are becoming smaller and smaller. In former days the bay produced 16,000 barrels, but perhaps there were more men and canoes then than now. Formerly a canoe could take 15 barrels a day. Many small oysters are destroyed in the boats and on the ice.

Mr. Cormier is strongly of opinion that no oyster under 2 full inches diameter of shell should be permitted to be taken, 2 inches should be the very minimum size.

When the fishing is over, late in the fall, the supply is practically extinct and next crop is merely those that have grown to size during the winter. If fishing for one year from the 15th September were stopped, there would be abundance of small oysters next year, and in sections that have been overlooked and not fished for a year are abundant in fine large oysters. Mr. Cormier would favor dividing the bay into two sections and fishing them alternately, thus there would always be a supply of full sized oysters.

MR. JAMES C. C. BLACKHALL, *Collector of Customs, Caraquet* has bought oysters for 35 years off the Caraquet beds. Oysters on these beds are proverbially small; a medium size in former years would be about double the size of those now. Bought some last fall which were hand-picked and three times the size of the specimen on the table (specimen was 3 inches.) Does not know how many bushels of small it takes to make a bushel of marketable. There must have been more than 4,000 (6,000) barrels taken last season. Have no official record of export; there would be 12 or 15 vessels loaded, all to Quebec and Montreal. In addition it would take 500 to 800 barrels, all told, for local sale. Ten years ago was a blank fishing year, oysters being so small that the schooners would not come for them for about three years. Then the oysters grew larger and the schooners came again in about three years. Thinks he has heard of a few barrels of Caraquet oysters having been shipped to England for seed. Would recommend that the bay be divided in two halves and fish them alternately; considers there are 2 square miles of live oyster beds, in fact a pavement.

(Two of the Commissioners who are oyster eaters tested the quality and pronounced them of better flavor and salted than the oysters of Bay du Vin.)

MR. SAWYER, of *Richibucto*, is acquainted with the New Brunswick oyster trade. He considers no change is wanted in the present season, 1st June to 15th September. Oysters should not be allowed to be fished in winter.

(MEMORANDUM.—In a report by Fishery Warden McLauchlan in 1865, the catch of that year was set down at only 3,500 barrels, and oysters even then were growing gradually smaller. This differs from Overseer Cormier's statement that thirty years since there were four times 4,000 barrels (16,000) and Hon. Mr. Young's estimate of 10,000 barrels on an average annually for the past four years.)

29th July, 1887, at *Richibucto, County of Kent, N.B.*, MR. LAZARE GUIMOND, *Lobster-packer and Oyster shipper* gave some information on oysters. Oyster beds commence at Kouchibouguac and continue three miles up river. Oysters are still fished there. Bottom is blue clay; beds are mostly from half an acre to an acre in extent. The most productive beds would be about two feet in height, where much higher than that the oysters perish. The oysters are long in shape, but small; quality poor, (called "case knife"). There are about twenty acres in all existing beds. River flows into bay; water comparatively fresh. Would think that oysters under 3 inches should be prohibited. Would prohibit winter fishermen from throwing the small oysters on the ice (where they are frozen); he considers that three barrels are destroyed for every barrel marketed. Would recommend setting apart areas for mud digging and keep them from off the live beds. There are only 4 mudding machines on the St. Louis River.

(The Commissioners were desirous of an interview with Mr. Robert Noble and Mr. Henry O'Leary, but both were absent.)

At *Chatham, N.B.*, the Commission chartered steamship "Miramichi" to proceed to Escuminac. Reached Bay du Vin, County of Northumberland, JOHN G. WILLIS gave evidence of oysters in Bay du Vin and its rivers.

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Oysters are a continuous bed in this direction from Bay Island to Eel Island, about six miles, represented by a line drawn on the chart from north-west to south-east, with the average of a mile wide; are only 12 mud-diggers on the whole bay. By putting down tongs anywhere on above described area would get oysters alive, general shape being a long oyster-shaped. Deepest water, half tide, being six to eight feet, rise of water three feet, but no great rise upon Eel River. Witness does not consider them equal to Prince Edward Island, Shediac and Buctouche oysters, don't fetch the same money to the fishermen, say about \$1 per barrel. Bottom of bay mostly hard red clay, with the exception of a few places where is soft shelly mud. Witness does not approve of winter fishing which benefits only a few. Would have no fishing before 15th of September, and no winter fishing through the ice, which does a great deal of mischief. Witness himself has not seen many small oysters left to perish on the ice, but it is done. Does not know that in other parts of the Province it is asserted it takes 3 barrels destroyed to market one barrel. Would say that no oyster under 3 inches should be in possession. Compared with 20 years ago there are as many oysters taken but more men fish them, especially within the last four years, are much fished by men (French) from Gloucester county. The oysters are sent in schooners direct to Quebec, Tracadie, Gloucester, and by rail to various markets. (A small landing on an oyster bed would in fact be a bed where side or keel lay.) Is not in favor of lease for oyster culture if present beds are reserved to the public. There is nearly as much more vacant ground on which to plant oysters as there are now oyster beds (i.e. 6 by 1 mile). Thinks people would take areas on lease for oyster culture, there would be a feeling in favor of it, "if it would prevent Gloucester men who do not leave a dollar in the place, from coming. A slight tax of 10 cents per barrel would not be considered oppressive, if it prevented those people." Have heard no complaints as to mud-diggers, they are on the river, not on the bay.

At Bay du Vin, Northumberland County, N.B., ALEXANDER TAYLOR, Oyster fisher, gave evidence. Fishes oysters in Bay du Vin and sells them fresh, mostly to schooners, and some sent by rail, when once hand-picked and he gets 70 cents and 80 cents per barrel. Are taken both by rake and tongs. He anchors over the beds and throws refuse overboard, thinks refuse falls back on some beds and is not borne away by the tide. Thinks oysters of 2½ inches round and 3½ inches long would be taken by purchasers. Does not disapprove of the present season, but would prefer commencing on 15th September and fish to 1st May. Has no opinion to express on winter fishing. Mud-digging does not do much harm, diggers don't work on bay itself, but on river. With respect to leasing areas, it would depend on whom leased to, would want leases to be confined to local parties, small areas would do.

MEMO.—Specimens of different sizes of oysters from various beds were sent for, quality superior, full and of different degrees of saltiness; mostly long with a few circular. All medium size, none very large; shell more smooth than is usual in natural beds.

MAGDALEN ISLANDS.

On 16th August, 1887, at Grand Entry Island, Magdalen Islands, Mr. R. A. FLY, manager of the Winslow Lobster Packing Company, gave some interesting statements regarding oyster shells found at Oyster Basin Island, which probably was once an oyster bed.—hence the name. Conversation with others showed that the empty oyster shells were mostly found on the outer edge of the sandbed. Here the deposit of live oysters, if any, is probably on the Columbia Shoals.

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